FOREWORD

The *International Covenant on Economic, Social and Cultural Rights* was adopted by the United General Assembly on December 16, 1966. Canada acceded to the Covenant on May 19, 1976.

States Parties are required to report to the United Nations on measures they have taken to give effect to the Covenant. Canada's Fourth Report on the International Covenant on Economic, Social and Cultural Rights covers the period of October 1994 to September 1999. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Covenant.

Through publication of this report, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Covenant and to broaden their understanding of the obligations contracted by Canada through accession to this important international treaty.

Copies of the report, in both official languages, may be obtained free of charge from the Human Rights Program of the Department of Canadian Heritage. This report is also available on the Human Rights Program Web site at: http://www.pch.gc.ca/progs/pdp-hrp/.

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Part I

Introduction

1. Canada's international obligations with respect to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) are met through a combination of laws, policies and programs of the federal, provincial and territorial governments.

2. This report describes the major changes in government policy, legislation and programs for the period of October 1994 to September 1999. Generally, the information that appeared in Canada's earlier reports on this Covenant and other international conventions involving human rights is not repeated here.

3. The introduction to the report provides general information on the implementation of human rights in Canada and joint federal-provincial/territorial initiatives in key areas affecting economic, social and cultural rights. Part I presents a review of the jurisprudence related to this Covenant. Part II describes new measures adopted by the Government of Canada. Parts III and IV describe new measures adopted by the provincial and territorial governments. These sections have been prepared by those respective governments.

4. This report takes the guidelines for preparing reports under the ICESCR into account along with the general comments issued by the United Nations on certain articles of the Covenant.

5. Canada takes note of the recommendations of the Committee on Economic, Social and Cultural Rights issued following the review of Canada's Third Report under the ICESCR. New measures that address these recommendations are explained under the corresponding articles in this report. This report does not repeat Canada's answers to the supplementary questions raised at the time of the review but does refer to and/or update them where appropriate.

6. The ICESCR, Canada's reports, the Concluding Observations of the Committee on Economic, Social and Cultural Rights issued in December 1998 and Canada's answers to the committee's supplementary questions have been widely disseminated to the Canadian public and are available on the Web site of the Department of Canadian Heritage (http://www.pch.gc.ca/progs/pdp-hrp/docs/cesc_e.cfm).

7. A statistical annex was prepared in June 2001 to accompany this report based on the available data at the time of writing. This appendix follows the order of the articles in the ICESCR. As data from the last Census becomes available, Statistics Canada is publishing reports, which may be of relevance to this Covenant; these may be found at http://www.statcan.ca/.

Canadian federalism and human rights

8. Canada is a developed country inhabited by 31 million people who share the values of peace, tolerance, co-operation, security, stability and respect for democracy, human rights and the rule of law. In area, it is the second largest country in the world. Canada is a federal state of 10 provinces (Alberta, British Columbia, Manitoba, New Brunswick,

Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and three territories (Northwest Territories, Nunavut[1] and Yukon)

9. The Constitution of Canada defines the division of powers between the federal and provincial governments and forms the framework of Canada's democratic system of government. The *Canadian Charter of Rights and Freedoms*, enshrined in the Constitution, guarantees democratic rights and basic freedoms, including freedom of conscience, religion, thought, expression, peaceful assembly and association.

10. The Constitution confers legislative and executive powers on two levels of government, each of them sovereign in its own sphere. The federation includes a central government for all of Canada and a government for each of the provinces. Provincial legislatures cannot assume powers granted exclusively to the federal Parliament. Similarly, the federal Parliament cannot assume powers exclusive to provinces.

11. The federal Parliament has the power to collect taxes, establish monetary policy and control international and interprovincial trade; it is responsible for defence and relations with other countries; it is also responsible for shipping and navigation, fisheries, bankruptcies, Indians and Indian reserves, citizenship and naturalization, criminal law, patents and copyright, mail service and employment insurance.

12. The provinces' legislative powers include authority over property and civil rights. Institutions and services under provincial jurisdiction include health and social services, municipal institutions and land-use planning, the administration of justice, the establishment and organization of provincial civil and criminal courts and education.

13. Unlike the provinces, which are allocated very specific areas of responsibility by the Constitution, the territories are the creation of the Parliament of Canada, which has delegated to them responsibilities similar to those of the provinces. Within their areas of jurisdiction, the obligations of the territorial governments, with respect to implementing the ICESCR, are similar to those of the provinces.

14. The Government of Canada (federal order) holds the power to ratify international treaties. It consuls and seeks the support of the provinces and territories before ratifying an international human rights treaty or a treaty dealing with matters coming under their jurisdiction. The international human rights treaties ratified by Canada generally have force in all of Canada.

15. Prior to any ratification, the federal, provincial and territorial authorities verify that existing legislation complies with the treaty. To ensure compliance, these authorities may have to amend existing laws or pass new ones before ratification.

16. International conventions ratified by Canada do not *ipso facto* acquire the force of law in the country unless incorporated in domestic legislation. The *Canadian Charter of Rights*

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[1] The territory of Nunavut came into existence on April 1, 1999.

and Freedoms applies to all governments in Canada and protects many of the human rights recognized by international conventions and covenants. To a large extent, these treaties are implemented by additional legislative and administrative measures.

17. Some human rights come under federal jurisdiction while others are provincial and territorial. As a result, treaties on human rights are implemented by legislative and administrative measures enacted by the competent authorities. The practice is not to adopt a single legislative text to incorporate a particular international convention on human rights into domestic law (except, in some cases, treaties dealing with specific issues involving human rights like the 1949 Geneva Conventions to protect victims of war and armed conflicts). Thus, the laws and policies adopted by federal, provincial and territorial governments play a role in the fulfilment of Canada's international human rights obligations.

18. Canada's federal nature enhances the protection of human rights because it allows for a variety of approaches; governments can weigh the particular conditions prevailing in their jurisdictions when deciding on appropriate ways of implementing human rights. This protection is also strengthened by the interaction and complementarity of the various constitutional, legal and administrative forms of human rights protection in Canada. For example, the courts have tended to interpret section 15 (equality rights) of the *Canadian Charter of Rights and Freedoms* in the same progressive way they used for human rights codes or legislation, and the prohibited grounds of discrimination provided by these codes have in turn been expanded by legal challenges based on section 15 of the Charter.

19. While there may sometimes be differences in the ways rights are implemented in a federal state like Canada, the following aspects of the Canadian legal system help to avoid major differences arising in the protection of human rights:

- Measures adopted by all governments in Canada are subject to review under the *Canadian Charter of Rights and Freedoms*. This ensures uniformity of protection across Canada regarding the civil and political rights guaranteed by the Charter, and further that economic and social measures in all jurisdictions, and those relating to children or other subject matters covered by human rights conventions, satisfy the same criteria set forth in the Charter regarding such matters as non-discrimination and due process.

- The Supreme Court of Canada interprets and enforces the laws adopted everywhere in Canada, thus helping to ensure consistency.

- Federal funding for certain provincial or territorial programs may be granted on condition that certain national standards will be respected. For example, provinces and territories are not eligible for the full federal contributions under the Canada Health and Social Transfer unless they meet the national criteria provided in the *Canada Health Act*.

20. There are mechanisms to ensure that the various Canadian governments share information on human rights issues and to favour co-ordination in this area. The federal-provincial/territorial (FPT) Continuing Committee of Officials on Human Rights is the principal mechanism for consultation and information sharing on the ratification and implementation of international human rights treaties. Other relevant fora that deal with issues specifically related to the ICESCR include the FPT committees of Ministers responsible for Social Services, Ministers of Health, Ministers of Justice and Ministers responsible for the Status of Women.

21. More detailed information about Canada, its land and people, political structure and general legal framework for the protection of human rights can be found in Canada's Core Document, submitted to the UN in 1997.[2]

Significant cross-jurisdictional developments

Economic challenges[3]

22. The measures taken by Canada to give effect to the *International Covenant on Economic, Social and Cultural Rights* are influenced by a broader context that includes social and economic factors, civil society, structural changes and international gatherings.

23. The period covered by the present report was one of major transformation in public policy for Canada. It was during this period that Canadians and their governments became convinced that massive annual deficits and growing public debt could not continue. There was increasing concern about the long-term sustainability of fundamental social programs. The early 1990s were a period of economic recession; real income declined while unemployment reached high levels. The recession cut into government revenues while interest rates remained elevated in the wake of the inflation of the previous decade.

24. In 1993-1994, the combined deficits of the federal and provincial governments exceeded $62 billion, or 8.6 percent of Canada's Gross Domestic Product (GDP). Moreover, Canada's collective public debt was approaching 100 percent of GDP, one of the highest levels in the industrialized world.

25. Over the next few years, the federal, provincial and territorial governments faced the challenge of fiscal responsibility and bringing their fiscal deficits under control:

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[2] Canada's Core Document was submitted to the United Nations in October 1997 as part of the periodic reports that Canada submits to the UN under international human rights treaties. It can found on the Web site of the Human Rights Program of the Department of Canadian Heritage at http://www.pch.gc.ca/progs/pdp-hrp/docs/core_e.cfm.

[3] Much of the information in this section is taken from the report *Implementing the Outcomes of the World Summit on Social Development: Canada's Response* (http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/summit-en.asp).

- In 1993-1994, the federal deficit stood at $42 billion. By 1997-1998, the federal government had transformed this into a surplus of $3.5 billion.
- In 1993-1994, combined provincial/territorial deficits stood at $20 billion. By 1997-1998, five provinces posted a balanced budget or a surplus.

26. Federal and provincial governments over a number of years imposed increasingly tight limits on their own spending. While the approach varied from one jurisdiction to another, all shared a commitment to getting their fiscal situations under control.

27. Federal transfers to provinces were restructured and reduced significantly in the mid-90s. This was done over several years, to minimize the impact on provincial revenues. The federal government provides financial support to provincial and territorial governments on an annual basis to assist them in the provision of programs and services. These transfers support important provincial and territorial programs — such as health care, post-secondary education, social assistance, social services and early childhood development.

28. Each provincial or territorial government addressed fiscal reform somewhat differently and according to its own timetable, but all undertook wide-ranging reviews of spending leading to substantial restraint in programs. The result was that, overall, by the year 2000, government finances were in better shape than at any time in the previous 20-30 years. At the same time, both GDP and employment grew at a healthy rate.

29. While governments in Canada achieved much success during this period, some provincial and territorial governments continued to face economic challenges and therefore maintained their efforts to control their fiscal deficits through a variety of initiatives (described in further detail under the respective provincial/territorial sections of the present report).

30. A strong economy is the means both to generate employment growth and to create the revenues needed to sustain social programs. At the core of Canada's social programs are those serving four fundamental needs: health, income security, education and social assistance.

31. Canada, like many other countries, was faced with the urgent need to reconcile fiscal reality with a strong commitment to social values and the public policies which support them. With the achievement of zero deficits, and even modest surpluses, at the federal level and in most provinces, the earlier restraint of the past several years began to pay off in terms of fiscal flexibility to address social priorities. Thus, while the cutbacks in spending did in many cases affect social programs, the result put government spending on a more sustainable basis and lay the foundation for careful and selective re-investment in helping those most in need of assistance.

32. One of the biggest challenges Canada faces is to find a balance between social objectives and economic imperatives that avoids the predominance of either. The reduction of poverty is especially difficult. Despite the fact that most Canadian family incomes are

new rising, vulnerable groups such as Aboriginal people, single-parent families, recent immigrants and persons with disabilities have much higher rates of poverty than other Canadians. Canada expects the new approaches reflected in this report — including economic growth, job creation and income support — to be effective in alleviating poverty in the medium term.

33. Canada prepared detailed reports for the special sessions of the United Nations General Assembly on women (2000), social development (2000) and human settlements (2001). These reports emphasized Canada's situation as regards social development and the reduction of poverty. The present report will not reproduce these elaborate analyses but rather describe the major initiatives and strategies in these areas. The reports prepared for the special sessions should be consulted for more information.[4]

Health and social services

34. The federal, provincial and territorial governments work together to develop, by mutual consent, the values, principles and objectives that should underlie Canada's social programs.

35. In 1996, the Canada Health and Social Transfer (CHST) replaced the Canada Assistance Plan (CAP) (a cost sharing plan for social services/social assistance programs) and Established Programs Financing (EPF) (a block grant for health care and post-secondary education). The CHST consists of a single block fund of cash and tax transfers. The provincial and territorial distribution under the previous transfers was carried over into the CHST, which provides support for health care, post-secondary education, and social services and social assistance. The block fund nature of the CHST allowed provinces and territories greater flexibility in the use of the funds. More detailed information on the CHST is included in Canada's Third Report under the ICESCR and Canada's answers to the supplementary questions asked by the United Nations Committee on Economic, Social and Cultural Rights. As indicated above, federal transfer payments can be withheld if provincial and territorial health care insurance plans fail to adhere to the principles of the *Canada Health Act*, or impose extra-billing or user charges, or if the province or territory requires a minimum period of residency as a condition of eligibility for social assistance.

36. During the period of this report, because of Canada's commitment to improve its economic and fiscal situation, eliminate its deficit and reduce its debt burden, overall CHST transfer levels were reduced. The cash portion of the CHST was reduced, while the value of tax transfers continued to grow. Equalization payments to less-prosperous provinces were not affected by restraint measures. Equalization continued to be provided

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[4] Canada's National Response to the UN Questionnaire on Implementation of the Beijing Platform for Action (http://www.swc-cfc.gc.ca/beijing5/quest-e.html); Implementing the Outcomes of the World Summit on Social Development: Canada's Response (http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/summit-en.asp); Implementing the Outcomes of the Second United Nations Conference on Human Settlements (Habitat II): Canada's Response (http://www.cmhc-schl.gc.ca/en/homadoin/faafhoinca/faafhoinca_001.cfm).

to ensure that all provinces had the fiscal capacity to provide roughly the same level of services at roughly the same level of taxation.

37. After attaining budget balance in 1998, the Government of Canada began to re-invest in transfer payments to the provinces and territories in support of health programs, post-secondary education and social assistance. It announced in the 1999 budget, an additional $11.5 billion in cash contributions between fiscal years 1999-2000 and 2003-2004 specifically for health care under the CHST. The 1999 budget also injected an additional $1.4 billion into the system to the end of 2002-2003 for such key areas as research, information and technology, First Nations and Inuit health, and enhancements to health promotions and health protection programs, and committed to future reinvestments in health care. As a result, for 1999-2000, CHST entitlements totalled $30.1 billion. The annual base cash component of the CHST was to increase to $14.5 billion for 1999-2000 and 2000-2001, and $15 billion for the following three years, however significant incremental adjustments have subsequently been legislated. CHST base cash has been legislated to grow from $14.5 billion in 1999-2000 to $20.825 in 2003-2004, with continued growth thereafter.

38. The CHST legislation was amended to provide to provinces and territories equal per capita total entitlements under the CHST, providing equal support to all Canadians regardless of where they live in Canada.

Agreement on Internal Trade

39. The *Agreement on Internal Trade* (AIT), signed by the federal, provincial and territorial governments on July 18, 1994, is intended to make it easier for people, goods and services to move across Canada. It includes 10 chapters on specific issues, including a chapter on labour mobility. The purpose of Chapter 7 of the AIT — the Labour Mobility Chapter — is to enable any worker qualified for an occupation in one province or territory to be granted access to employment opportunities in that occupation in any other province or territory.

40. The Labour Mobility Chapter targets three main barriers that prevent or limit interjurisdictional movement of workers: residency requirements; practices related to occupational licensing, certification and registration; and differences in occupational standards. Under the AIT, governments are obligated to give appropriate recognition to the training, skills, experience and education of workers from other jurisdictions, and to make necessary accommodations in their licensing or registration requirements. The AIT also establishes a process for receiving complaints and resolving disputes.

41. The Forum of Labour Market Ministers is responsible for implementation of the Labour Mobility Chapter of the AIT. The *Framework to Improve the Social Union for Canadians* (detailed below), signed in 1999, committed governments to ensure that no new barriers to mobility are created in new social policy initiatives and to ensure compliance with all labour mobility provisions of the AIT by July 1, 2001. Additional

information on the AIT can be found online at http://www.drhc-hrdc.gc.ca/sp-ps/lmp/mobility/mobility.shtml.

National Children's Agenda

42. In December 1997, Canada's First Ministers asked the Federal-Provincial-Territorial Council of Ministers on Social Policy Renewal to engage the public in developing a shared vision for enhancing the well-being of Canada's children. The core of the National Children's Agenda is its vision and values for children, founded on the belief that children's well-being is a priority for all Canadians.

43. In May 1999, governments launched a dialogue with citizens across the country to gather comments and ideas about the draft vision, as set out in the two dialogue documents. Information on the results of this consultation will be included in Canada's next report.

National Child Benefit

44. In 1996, First Ministers identified child poverty as a national priority, and instructed Social Services Ministers to develop an integrated child benefit. The result was the launch of the National Child Benefit (NCB) initiative between federal, provincial, and territorial governments in July 1998.[5]

45. The goals of the NCB are to help prevent and reduce the depth of child poverty; promote attachment to the labour market by ensuring that families will be better off as a result of working; and reduce overlap and duplication by harmonizing program objectives and benefits and simplifying administration.

46. For their part, most provinces, territories and First Nations are adjusting social assistance payments for families with children, while ensuring these families receive at least the same level of overall income support from governments. Provinces, territories and First Nations are reinvesting social assistance savings on complementary benefits and services for low-income families with children. In this way, the NCB is providing a more secure and uniform level of basic income support, benefits and services for children in all low-income families across Canada, whether these families are working or receiving social assistance. Detailed information about the National Child Benefit can be found on the NCB Web site (http://www.nationalchildbenefit.ca).

47. First Nations and the federal government are also working together to address the needs of low-income families on reserve through First Nations NCB reinvestments. First Nations involved in the program tend to focus on reducing the depth of child poverty and promoting an attachment to the labour market. In 1998-1999, First Nations had approximately $30.8 million available for reinvestment in National Child Benefit programs. This amount increased by approximately $20 million in 1999-2000. The

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[5] The Government of Québec indicated that it agrees with the basic principles of the NCB but that it would assume control over income support for children in Québec. The Government has adopted a similar approach to the NCB.

types of programs and services for parents and their children fall into five broad areas: child/day care, child nutrition, early child development, employment and training opportunities, and other (cultural and traditional teachings, recreation, youth development).

National Framework on Aging

48. In 1998, FPT Ministers Responsible for Seniors (with the exception of Québec[6]) released the National Framework on Aging (NFA), to assist in responding to the needs of this population. Designed as a voluntary framework, it has as its core, a shared Vision Statement and Five Principles that seniors and governments across Canada endorse. As part of the NFA, FPT governments recently released a senior's policies and programs database that allows for the easy sharing of aging-related policies in all sectors to guide policy development and impact evaluation (www.sppd.gc.ca or www.bdppa.gc.ca).

49. Recognizing the importance and value of seniors contributions, the FPT Ministers created the Canada Coordinating Committee for the International Year of Older Persons to celebrate seniors as part of families, communities and society. The year witnessed and provided testament to the involvement, motivation and significant contributions of seniors in Canada and increased awareness among all population groups.

Canada's Disability Agenda

50. In 1996, the Prime Minister and provincial Premiers identified disability issues as a collective priority in the pursuit of social policy renewal. In 1997, First Ministers reaffirmed that commitment and agreed that a vision and framework were needed. These steps culminated in the development of a document which would guide future federal, provincial and territorial work on disability. In 1998, federal, provincial, and territorial Ministers Responsible for Social Services released *In Unison: A Canadian Approach to Disability Issues*. This document describes the vision and policy framework for the promotion of full citizenship for people with disabilities in all aspects of Canadian society. Full citizenship is based on the values of equality and inclusion and the principles of full rights and responsibilities for persons with disabilities, empowerment, and participation. The fundamental building blocks for achieving this vision of full inclusion were identified as employment, income, and disability supports.

51. Building on the vision articulated in *In Unison*, the Government of Canada outlined its federal disability agenda in 1999 in *Future Directions*. This document identifies policy directions in the areas of accountability, policy and program coherence, building the policy and research capacity of the disability community, the needs of Aboriginal persons with disabilities, disability supports, income, employment, and prevention and health promotion (see http://www.socialunion.ca/pwd_e.html)

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[6] The Government of Québec indicated that it supports the Vision and Principles put forth by the other governments, but that it intends to assume full responsibility for the entire range of activities pertaining to health and social services.

Social Union Framework Agreement

52. In February 1999, the federal, provincial and territorial governments, with the exception of the province of Québec, signed the *Social Union Framework Agreement* (SUFA) for Canadians. The Framework describes a new partnership among governments and with Canadians to sustain and improve social policies and programs. It is a political accord which respects each government's existing constitutional jurisdiction and powers. It proposes a modern vision of governance based on management of interdependence and intergovernmental co-operation, including exchange of information and monitoring of results. While supporting the same principles regarding social policies and programmes, the province of Québec did not adhere to the Social Union Framework. However, the Government of Québec continues to ensure the establishment of social services, through the appropriate legislation, policies and programmes.

53. Under SUFA, participating governments have agreed to promote equality of opportunity, equity and respect for diversity throughout Canada. They have also agreed to involve Canadians in the development of social programs and policies, to keep them better informed, to measure the results of policies and programs and to enhance accountability to constituents.

54. Notable achievements under the Framework have included an early childhood development agreement, an agreement on strengthening Canada's publicly funded health care services, and improving labour mobility across provinces and territories. These agreements are examples of federal, provincial and territorial collaboration and meeting their commitments to the principles of the Framework.

55. As part of the agreement, the signatories agreed to a joint review of the implementation of SUFA by the end of its third year. The results of this review, which will involve input and feedback from Canadians and interested parties, as well as Aboriginal perspectives, will be provided in Canada's next report.

Other issues

56. All levels of government have taken actions to address the challenges Canada faces with respect to homelessness, literacy, and diversity. These strategies are detailed within their respective sections of this report.

Part II

Review of Jurisprudence

Introduction

57. While international human rights treaties ratified by Canada do not automatically become part of the domestic law of Canada, case law, as demonstrated by the following review of jurisprudence, assists in the implementation and practical realization of the Covenant.

Article 1: Right to Self-determination

58. In *Reference re Secession of Québec* (1998), one of the questions addressed by the Supreme Court of Canada was the right to self-determination in the context of unilateral secession. Referring to numerous instruments and documents addressing that right, including the *International Covenant on Economic, Social and Cultural Rights*, the Court concluded that the existence of the right of a people to self-determination is now so widely recognized in international conventions that the principle has acquired a status beyond "convention" and is considered a general principle of international law. The Court indicated that the precise meaning of the term "people" remains somewhat uncertain. The recognized sources of international law establish that the right to self-determination of a people is normally fulfilled through internal self-determination — a people's pursuit of its political, economic, social and cultural development within the framework of an existing state. A right to external self-determination arises in only the most extreme of cases and, even then, under carefully defined circumstances. The international law principle of self-determination has evolved within a framework of respect for the territorial integrity of existing states. The various international documents that support the existence of a people's right to self-determination also contain parallel statements supportive of the conclusion that the exercise of such a right must be sufficiently limited to prevent threats to an existing state's territorial integrity or the stability of relations between sovereign states. The Supreme Court stated that while the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights* do not specifically refer to the protection of territorial integrity, they both define the ambit of the right to self-determination in terms that are normally attainable within the framework of an existing state. There is no necessary incompatibility between the maintenance of the territorial integrity of existing states, including Canada, and the right of a "people" to achieve a full measure of self-determination. A state whose government represents the whole of the people or peoples resident within its territory, on a basis of equality and without discrimination, and respects the principles of self-determination in its own internal arrangements, is entitled to the protection under international law of its territorial integrity. The Supreme Court concluded that the international law right to self-determination only generates, at best, a right to external self-determination in situations of former colonies; where a people is oppressed, as for example under foreign military occupation; or where a definable group is denied meaningful access to government to pursue their political, economic, social and cultural development. In all three situations, the people in question are entitled to a right to external self-determination because they have been denied the ability to exert internally their right to self-determination.

Article 6: Right to Work

Canadian Charter of Rights and Freedoms

59. In *Walker v. Prince Edward Island (P.E.I.C.A.)* (1993), the Supreme Court of Canada examined the *Public Accounting and Auditing Act* (Prince Edward Island) that reserves the practice of public accountancy to members of the provincial Institute of Chartered Accountants. The restriction only applies to certain areas of accounting where there is particular vulnerability and it only applies when the services are offered to the public. Other areas of the accounting profession remain open and unregulated. The restriction does not apply to audits, review engagements or non-review engagements, services which are provided for management use. It subjects all non-members of the Institute to the same restrictions and conditions whether they reside in the Province or not. The Supreme Court held that the relevant provision of the *Public Accounting and Auditing Act* does not limit the appellants' rights to freedom of expression, their mobility rights or their right to life, liberty and security (guaranteed by sections 2 *b*), 6 or 7 of the *Canadian Charter of Rights and Freedoms*).

60. In *Canadian Egg Marketing Agency v. Richardson* (1998), the Supreme Court of Canada stated that section 6 of the *Canadian Charter of Rights and Freedoms* (the Charter) closely mirrors the language of international human rights treaties, for example article 6 of the *International Covenant on Social, Economic and Cultural Rights*, and that section 6 of the Charter responds to a concern to ensure one of the conditions for the preservation of the basic dignity of the person. Section 6 guarantees the right to "pursue the gaining of a livelihood in any province" and guarantees not simply the right to pursue a livelihood, but more specifically, the right to pursue the livelihood "of choice" to the extent and subject to the same conditions as residents.

Human rights legislation

61. In *Newfoundland Association of Public Employees v. Newfoundland (Green Bay Health Care Centre)* (1996), the Green Bay Health Care Centre which included a nursing home, among other facilities, issued a job posting for a personal care attendant. The employer had determined that a male would be needed to meet the staffing requirement as the position involved intimate personal care of elderly male residents. An arbitration board decided that the "maleness" requirement was a *bona fide* occupational qualification (BFOQ) and that the employer is not prohibited from discriminating against women where a BFOQ of "maleness" exists. The Supreme Court of Canada upheld the decision.

62. In *Canada (Attorney General) v. Martin* (1997), the Federal Court of Appeal confirmed a decision rendered by the Canadian Human Rights Tribunal which found the compulsory retirement age (different ages but the maximum was 55) of the Canadian Forces to be a discriminatory practice and ordered compensation to a number of the respondents who had been compulsory retired. The Court concluded that the finding that the compulsory retirement age was not a *bona fide* occupational requirement was open to the Tribunal on the evidence. Thus the Court refused to interfere with the Tribunal's conclusion that the

Forces could have put a system of testing in place to protect safety as an alternative to the compulsory retirement age regulations.

63. In *Godbout v. Longueuil (City)* (1997), the appellant city adopted a resolution requiring all new permanent employees to reside within its boundaries. As a condition of obtaining permanent employment as a radio operator for the city police force, the respondent signed a declaration promising that she would establish her principal residence in the city and that she would continue to live there for as long as she remained in the city's employ. Later, she moved into a new house she had purchased in a neighbouring municipality. When she refused to move back within the city's limits, her employment was terminated. The Supreme Court of Canada stated that the city's residence requirement unjustifiably infringes section 5 of the Québec *Charter of Human Rights and Freedoms* ("respect for [one's] private life") by virtue of both the intimately personal considerations that factor into one's choice as to where to live and the very significant effects that choice inevitably has on one's personal affairs, the right to be free from unjustified interference in making a decision as to where to establish and maintain one's home falls within the scope of the Québec Charter's guarantee of "respect for [one's] private life."

64. In *Vriend v. Alberta* (1998), the appellant was given a permanent, full-time position in a college. In 1990, in response to an inquiry by the president of the college, Mr. Vriend disclosed that he was homosexual. In early 1991, the college's board of governors adopted a position statement on homosexuality, and shortly thereafter, Mr. Vriend's employment was terminated by the college. The sole reason given was his non-compliance with the college's policy on homosexual practice. He attempted to file a complaint with the Alberta Human Rights Commission on the grounds that his employer had discriminated against him because of his sexual orientation, but the Commission advised Mr. Vriend that he could not make a complaint under the *Individual's Rights Protection Act* (IRPA), because it did not include sexual orientation as a protected ground. The Supreme Court of Canada stated that the first and most obvious effect of the exclusion of sexual orientation is that lesbians or gay men who experience discrimination on the basis of their sexual orientation are denied recourse to the mechanisms set up by the IRPA to make a formal complaint of discrimination and seek a legal remedy. The IRPA in its under-inclusive state therefore denies substantive equality to homosexuals (guaranteed by section 15 of the *Canadian Charter of Rights and Freedoms*). The Court concluded that reading sexual orientation into the impugned provisions of the IRPA is the most appropriate way of remedying this under-inclusive legislation.

65. In *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* (1999), the British Columbia government established minimum physical fitness standards, including an aerobic standard, for its forest firefighters. The claimant, a female firefighter who had in the past performed her work satisfactorily, failed to meet the aerobic standard after four attempts and was dismissed. Evidence demonstrated that, owing to physiological differences, most women have a lower aerobic capacity than most men and that, unlike most men, most women cannot increase their aerobic capacity enough with training to meet the aerobic standard. The Supreme Court of Canada stated that the Government failed to demonstrate that this particular aerobic standard is

reasonably necessary to identify those persons who are able to perform the tasks of a forest firefighter safely and efficiently.

Article 7: Right to Just and Favourable Working Conditions

Canadian Charter of Rights and Freedoms

66. In *Waldman v. British Columbia (Medical Services Commission)* (1999), the petitioners were three newly-qualified physicians, who were trained outside of British Columbia. The Medical Services Commission of British Columbia issued restricted numbers pursuant to measures restricting new billers to 50 percent billing numbers with exemptions for doctors practising as a locum or in a community that demonstrated a medical need for services and for physicians who were engaged in residency programs when the measures were enacted. The stated objective of the measures was to control the costs of health care and to promote an equitable distribution of medical services throughout the province. The British Columbia Court of Appeal held that when the "grandfathering" provisions in the permanent measures are spent, the dividing line will be between those physicians established in practice and those seeking to enter practice. The Court characterized the measures as being of "general application" applying across the board to all applicants for new billing numbers. It did not see any distinction being drawn "primarily on the basis of province of present or previous residence" which would be prohibited by section 6 (3) *a*) of the *Canadian Charter of Rights and Freedoms*. However, the Court held that the provisions giving preferential treatment to University of British Columbia graduates and those in training as of a certain date were inconsistent with individual mobility rights enshrined in section 6 of the Charter. Such measures seem to clearly differentiate between applicants on the basis of province of present or previous residence.

Human rights legislation

67. In *Battlefords and District Co-operative Ltd. v. Gibbs* (1996), an employee of the appellant became disabled as a result of a mental disorder and was unable to perform the duties of her occupation. Under the terms of the policy, any employee who was rendered unable to work was provided with a replacement income. If the disability in question was a mental illness, however, the policy provided that the replacement income benefit would terminate after two years, even if the person was unable ever to resume employment, unless the person with the mental disability remained in a mental institution. The employee's insurance benefits were terminated after two years. Had she been unable to work because of a physical disability, the income replacement benefit would have continued, without regard to institutionalization. A board of inquiry determined that the policy was discriminatory with respect to "term or condition of employment" because of a disability and violated section 16 (1) of the *Saskatchewan Human Rights Code*. The Supreme Court of Canada upheld the ruling.

68. In *Ontario Nurses' Association v. Orillia Soldiers Memorial Hospital* (1997), the Ontario Court of Appeal had to deal with the legality of certain provisions of the central

collective agreement produced by collective bargaining between the Ontario Nurses' Association and a number of hospitals in the province of Ontario. The Ontario Nurses' Association argued that certain provisions in the collective agreement discriminate on the basis of disability in contravention of the *Ontario Human Rights Code*. The provisions at issue concern seniority, service accrual and the employers' contribution to subsidized benefit plans. For nurses on unpaid leave of absence and in receipt of workers' compensation benefits or long-term disability benefits, seniority only accrues for up to one year. The Ontario Court of appeal concluded that the seniority provisions violate the *Ontario Human Rights Code* on the basis of disability.

69. In *Public Service Alliance of Canada - and - Treasury Board* (1998), the complaint before the Canadian Human Rights Commission alleged that the Treasury Board, the department responsible for the federal government's relations with its employees, was in breach of section 11 of the *Canadian Human Rights Act*, by maintaining "differences in wages between male and female employees employed in the same establishment who are performing work of equal value." The complaint alleged that employees in the six predominantly female occupational groups were being paid less than employees in the 53 predominantly male groups included in a joint study (undertaken by the Treasury Board and the public service unions) who were performing work of equal value to that of members of the female groups. The Tribunal upheld the complaint. The Government and its employees subsequently came to an agreement.

70. In *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* (1999) (discussed above), the Supreme Court of Canada stated that the claimant having established a *prima facie* case of discrimination, the burden shifts to the Government to demonstrate that the aerobic standard is a *bona fide* occupational requirement (BFOR). The Court set out the following three-step test for determining whether a *prima facie* discriminatory standard is a BFOR. An employer may justify the impugned standard by establishing on the balance of probabilities: (1) that the employer adopted the standard for a purpose rationally connected to the performance of the job; (2) that the employer adopted the particular standard in an honest and good faith belief that it was necessary to the fulfilment of that legitimate work-related purpose; and (3) that the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer. This approach is premised on the need to develop standards that accommodate the potential contributions of all employees in so far as this can be done without undue hardship to the employer.

Article 8: Trade Union Rights

71. In *Delisle v. Canada (Deputy Attorney General)* (1999), the Supreme Court of Canada recalled some principles as to the freedom of association guaranteed by section 2 *d)* of the *Canadian Charter of Rights and Freedoms*: it protects the freedom to establish, belong to and maintain an association; it does not protect an activity solely on the ground that the activity is a foundational or essential purpose of an association; it protects the

exercise in association of the constitutional rights and freedoms of individuals; and it protects the exercise in association of the lawful rights of individuals. However, section 2 *d)* of the Charter does not include the right to establish a particular type of association defined in a particular statute. Only the establishment of an independent employee association and the exercise in association of the lawful rights of its members are protected under section 2 *d)*. There is no general obligation for the government to provide a particular legislative framework for its employees to exercise their collective rights.

72. In *U.F.C.W., Local 1518 v. Kmart Canada Ltd* (1999), the Supreme Court of Canada indicated that the importance of work for individuals has been consistently recognized and stressed. A person's employment is an essential component of his or her sense of identity, self-worth and emotional well-being. For employees in the labour relations context, freedom of expression becomes not only an important but an essential component of labour relations. Protected expression includes handing out leaflets. In this case, employees handed out two types of leaflet, describing the employer's alleged unfair practices and urging customers to shop elsewhere. The activity was carried out peacefully and it did not impede public access to the stores. Neither was there any evidence of verbal or physical intimidation. The distribution and circulation of leaflets has for centuries been recognized as an effective and economical method of both providing information and assisting rational persuasion. Peaceful leafleting by a few individuals has as a general rule been accepted as a lawful means of disseminating information. The question of whether leafleting in a particular case crosses the line and becomes impermissible persuasion is largely a factual one. In this case, the infringement of freedom of expression cannot be justified under section 1 of the Charter which prescribes that rights and freedoms are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

73. Similarly, in *Allsco Building Products Ltd. v. U.F.C.W., Local 1288P* (1999), the Supreme Court of Canada concluded that members of the union, employees of Allsco, can engage in the peaceful distribution of leaflets outside the premises of stores that sell Allsco products. The leaflet requested that the reader "please think twice" before purchasing Allsco products or the vinyl siding that Allsco distributed, because Allsco had locked union members out of their jobs.

Article 9: Right to Social Security

Canada Pension Plan

74. In *Law v. Canada (Minister of Employment and Immigration)* (1995), a 30-year-old woman without dependent children or disability, was denied survivor's benefits under the Canadian Pension Plan (CPP). The CPP gradually reduces the survivor's pension for able-bodied surviving spouses without dependent children who are between the ages of 35 and 45 by 1/120th of the full rate for each month that the claimant's age is less than 45 years at the time of the contributor's death so that the threshold age to receive benefits is age 35. The Supreme Court of Canada stated that a section 15 of the *Canadian*

Charter of Rights and Freedoms analysis (equality rights) should proceed on the basis of three broad inquiries: (1) whether there is a differential treatment for the purpose of section 15 (1) of the Charter; (2) whether this treatment was based on one or more of the enumerated grounds in section 15 (1) of the Charter on analogous grounds; and, (3) whether the differential treatment brings into play the purpose of section 15 (1), i.e. does the law, in purpose or effect, perpetuate the view that persons with temporary disabilities are less capable or less worthy of recognition or value as human beings or as members of Canadian society? The Court concluded that the differential treatment of younger people does not reflect or promote the notion that they are less capable or less deserving of concern, respect, and consideration, when the dual perspectives of long-term security and the greater opportunity of youth are considered. Nor does the differential treatment perpetuate the view that people in this class are less capable or less worthy of recognition or value as human beings or as members of Canadian society. Parliament's intent in enacting a survivor's pension scheme with benefits allocated according to age appears to have been to allocate funds to those persons whose ability to overcome need was weakest. The concern was to enhance personal dignity and freedom by ensuring a basic level of long-term financial security to persons whose personal situation makes them unable to achieve this goal which is so important to life and dignity.

Unemployment insurance benefits

75. In *Schafer v. Canada (Attorney General)* (1997), the claimants challenged the section of the *Unemployment Insurance Act* (now *Employment Insurance Act*) which provides a maternity or pregnancy benefit to biological mothers for a period of up to 15 weeks. Another provision provides all parents, whether biological or adoptive, a child-care benefit of up to ten weeks. They claimed that the combined effect of these provisions, which extend a biological family a total of 25 weeks paid leave and an adoptive family only 10 weeks, was discriminatory and in violation of section 15 of the *Canadian Charter of Rights and Freedoms* (equality rights). The Ontario Court of Appeal concluded that it is not necessarily discriminatory for governments to treat biological mothers differently from other parents, including adoptive parents. In order to cope with the physiological changes that occur during childbearing, biological mothers require a flexible period of leave that may be used during pregnancy, labour, birth and the postpartum period. Indeed, such leave provisions may be necessary in order to ensure the equality of women generally, who have historically suffered disadvantage in the workplace due to pregnancy-related discrimination. However, section 11 (7) of the same Act, which provides for a five-week extension of child-care benefits for children (biological or adopted) suffering from certain types of medical conditions but only for those six months of age and older, discriminates between children on the basis of age and is discriminatory.

76. In *Sollbach v. Canada* (1999), the claimant quit her job in Toronto to follow her husband to his job in another city. She was eligible to receive regular unemployment benefits for 27 weeks but after 18 weeks these benefits at her request were converted to maternity benefits due to her pregnancy. Maternity benefits were then paid for 12 weeks. Once she was paid 18 weeks of regular benefits and 12 weeks of maternity benefits, the

Commission refused any further payments. Ms. Sollbach claims that she was entitled to 27 weeks of regular benefits, 15 weeks of maternity benefits and 10 weeks of parental benefits for a total of 52 weeks of payments. She argued that since these 52 weeks were limited to 30 weeks by section 11 of the *Unemployment Insurance Act* (now *Employment Insurance Act*), that section 11 was contrary to section 15 of the *Canadian Charter of Rights and Freedoms* (equality rights). The Federal Court of Appeal concluded that section 11 (6) of the *Unemployment Insurance Act* does not draw a distinction between pregnant women and others. Indeed all recipients (e.g. a single father or single male who is injured) of special benefits are subject to the 30-week limitation. The Court found that the Applicant has failed to show that pregnant women are discriminated against as a group under the legislation. In its opinion, "a reasonable person under similar circumstances as the claimant" would not conclude that section 11 (6) demeans a claimant's dignity.

Social assistance

77. In *Masse v. Ontario (Ministry of Community and Social Services)* (1996), the applicants were social assistance recipients who claimed that a 21.6 percent reduction in benefits was unlawful and contrary to their rights under the *Canadian Charter of Rights and Freedoms*. Recipients who were disabled, permanently unemployable for medical reasons or aged were not affected. The applicants claimed a violation of their right to "life" and "security" as guaranteed by section 7 of the Charter because they had been left with living standards below an irreducible minimum. They argued also that it was contrary to their equality rights (section 15 of the Charter) to force them as welfare recipients to bear an inordinate share of the budget cuts without consideration of their basic requirements. The Ontario Court (General Division) stated that section 7 of the Charter did not provide the right to minimal social assistance. The applicants were not deprived of life or of security of person because the impugned legislation actually provided social assistance benefits. Recipients of social assistance are not protected as an analogous ground under section 15 (equality rights) of the Charter because they are a disparate and heterogeneous group, not a discrete and insular minority based on immutable characteristics. The applicants also were not a named protected group under section 15 of the Charter.

78. In *Mohamed v. Metropolitan Toronto (Department of Social Services General Manager)* (1996), the appellant was a child under 16 years old. She was in Canada as a refugee and had no relatives. Because of her age, she was ineligible for welfare assistance pursuant to the *General Welfare Assistance Act*. However, she was living with Jawahir Adan in a boarder/landlord relationship and the Children's Aid Society provided cheques to Mrs. Adan to allow her to care for the appellant. At all times the Society was prepared to take the appellant into care, placing her in foster care or a group home. The Divisional Court of Ontario held that the age requirement violated section 15 of the *Canadian Charter of Rights and Freedoms* because age was a ground specifically enumerated in section 15. In addition, the exclusion also constituted discrimination since the excluded group was a vulnerable group in society. However, the discrimination was justified under section 1 of the Charter. The objectives of the Act and Regulation included

ensuring proper provision for all children including the receipt of support from an appropriate source, and promoting the integrity of the family unit and not encouraging run-away children. These objectives were sufficiently important to override the appellant's constitutional rights.

79. In *Ontario (Attorney General) v. Pyke* (1998), Ms Pyke was 16 years old, single and employable. She had moved out from her family home to live with her boyfriend and had voluntarily withdrawn from parental control so as not to be entitled to support under the *Family Law Act*. There was no evidence of abuse by her parents. If the child leaves home because of abuse or the parents have forced the child to leave, then there would not be a voluntary withdrawal from parental control. Section 7 (4) of Regulation 537 under the *General Welfare Assistance Act* provided that an employable person under 18 was not eligible for assistance unless the person was the sole head of a family or special circumstances existed. The Ontario Divisional Court stated that it has been generally recognized that the best place for persons 16-17 to live is a non-abusive family home. This is consistent with the family being recognized in our society as the basic social unit. The eligibility of this age group was not determined by a uniform rule established by age and based on stereotypes or presumed characteristics. Determination of eligibility for this age group required an individual assessment of the actual merits, capacity and circumstances of each claimant. The requirement that applicants aged 16 and 17 demonstrate special circumstances was based upon their actual circumstances and their legal entitlement to support under the *Family Law Act* and the *General Welfare Assistance Act*. The Regulation did not make a distinction which violated the right to equality under section 15 of the *Canadian Charter of Rights and Freedoms*.

80. In *Gosselin v. Québec (Attorney General*) (1999), the appellant claimed that paragraph 29 a) of the *Règlement sur l'aide sociale* (Québec) was unconstitutional because it infringed his equality rights and right to security as guaranteed by sections 15 and 7 of the *Canadian Charter of Rights and Freedoms* and that this infringement was not justified under section 1 of the Charter. The effect of paragraph 29 *a*) of the Regulation was to reduce by about two-thirds the amount of the welfare benefit paid to recipients under age 30, employable and living alone. The Regulation was repealed with the passage of the *Income Security Act* that came into effect on August 1, 1989. The three judges of the Québec Court of Appeal concluded that the contested regulatory provision effectively created a distinction based on age. However the majority of the Court concluded that the measure being contested was part of a general policy in a coherent whole and the measures taken to reduce the risk resulting from the introduction of the policy for young people under age 30 were reasonable. Accordingly, the distinction was justified under section 1 of the Canadian Charter. The three judges found there was no violation of section 7 of the Canadian Charter since its intention was simply to ensure the right of every Canadian citizen not to be subjected to unjustified personal coercion. The right for which the appellant claimed protection was a purely economic right. Section 45 of the *Charter of Human Rights and Freedoms* (the Québec Charter) provides that "every person in need has a right, for himself and his family, to measures of financial assistance and to social measures provided for by law, susceptible of ensuring such person an acceptable standard of living." The majority of the Court concluded that

this section guaranteed a Québec citizen's right of access without discrimination to the measures of financial assistance and social measures already provided by the law but was not intended to guarantee a decent standard of living. This was a personal right of access but not a personal right affecting the sufficiency of the measure. This case was heard by the Supreme Court of Canada on October 29, 2001, and judgment was reserved.

Article 10: Protection of the Family, Mother and Child

81. In *Augustus v. Gosset* (1996), the appellant brought a civil liability action against G, a police officer, and the Communauté urbaine de Montréal following the death of her 19-year-old son. In addition to claiming compensatory damages for her son's death under the *Civil Code of Lower Canada*, the appellant argued that she is entitled to compensation for interference with her parental rights under the *Canadian Charter of Rights and Freedoms.* She submitted that her right to continue her association with her son as a parent was taken from her as a result of the respondent Gosset's wrongful acts. The Supreme Court of Canada stated that neither the *Canadian Charter of Rights and Freedoms* nor the Québec Charter protects the right to maintain and continue a parent-child relationship.

82. In *Winnipeg Child and Family Services (Northwest Area) v. G. (D.F.)* (1997), G. (D.F.) was five months pregnant with her fourth child. She was addicted to glue sniffing, which may damage the nervous system of a developing foetus. As a result of her addiction, two of her previous children were born permanently disabled and are permanent wards of the state. The issue was whether a court could order that G. (D.F.) be placed in the custody of the Director of Child and Family Services and detained in a health centre for treatment until the birth of her child for the purpose of protecting her foetus from the mother's allegedly harmful conduct. The Supreme Court of Canada held that according to the current state of the law in Canada, the foetus is not recognized as a legal or juridical person. A pregnant woman and her unborn child are one and to make orders protecting foetuses would radically impinge on the fundamental liberties of the mother, both as to lifestyle choices and how and as to where she chooses to live and be. The majority of the Court concluded that given the major change in the law and the complex ramifications of the revision sought, it was not the sort of change that the courts should make but was better left to the legislature.

83. In *Dobson (Litigation Guardian of) v. Dobson* (1999), Mrs. Dobson was 27 weeks pregnant when the vehicle she was driving collided with another resulting in prenatal injuries to her foetus. These prenatal injuries caused permanent mental and physical impairment. The child brought an action for damages against his mother alleging that the collision was caused by her negligent driving. The Supreme Court of Canada stated that in light of the very demanding biological reality that only women can become pregnant and bear children, the courts should be hesitant to impose additional burdens upon pregnant women. The actions of a pregnant woman, including driving, are inextricably linked to her familial role, her working life, and her rights of privacy, bodily integrity and autonomous decision-making. Moreover, the judicial recognition of this cause of action would involve severe psychological consequences for the relationship between mother

and child, as well as the family unit as a whole. The imposition of tort liability in this context would have profound effects upon every pregnant woman and upon Canadian society in general. Such after-the-fact judicial scrutiny of the subtle and complicated factors affecting a woman's pregnancy may make life for women who are pregnant or who are merely contemplating pregnancy intolerable. The best course, therefore, is to allow the duty of a mother to her foetus to remain a moral obligation which, for the vast majority of women, is already freely recognized and respected without compulsion by law. Moreover, there can be no satisfactory judicial articulation of a standard of conduct for pregnant women. A rule based on a "reasonable pregnant woman" standard raises the spectre of tort liability for lifestyle choices, and undermines the privacy and autonomy rights of women.

84. In *New Brunswick (Minister of Health and Community Services) v. G.(J.)* (1999), the New Brunswick Minister of Health and Community Services was granted custody of the appellant's three children for a six-month period. He later sought an extension of the custody order for a further period of up to six months. G.(J.) who was indigent and receiving social assistance at the time, applied for legal aid in order to retain a lawyer to represent her at the custody hearing. Her application was denied because, at the time, custody applications were not covered under the legal aid guidelines. The Supreme Court of Canada concluded that State removal of a child from parental custody constitutes a serious interference with the psychological integrity of the parent, therefore with the right to security of the person guaranteed by section 7 of the *Canadian Charter of Rights and Freedoms*. Besides the obvious distress arising from the loss of companionship of the child, direct state interference with the parent-child relationship, through a procedure in which the relationship is subject to state inspection and review, is a gross intrusion into a private and intimate sphere. Section 7 of the Charter guarantees every parent the right to a fair hearing when the state seeks to obtain custody of their children. For the hearing to be fair, the parent must have an opportunity to present his or her case effectively. Effective parental participation at the hearing is essential for determining the best interests of the child in circumstances where the parent seeks to maintain custody of the child. In the present circumstances, the absence of counsel for G.(J.) would result in an unfair custody hearing. The Court concluded that the New Brunswick government was under a constitutional obligation to provide G.(J.) with state-funded counsel in the particular circumstances of this case.

Article 11: Right to an Adequate Standard of Living

85. The Québec Human Rights Tribunal has handed down some other decisions dealing with discrimination in housing. For example, in *Gilbert and Commission des droits de la personne v. Ianiro* (1996) and *Délicieux and Québec (Commission des droits de la personne et des droits de la jeunesse) v. Yazbeck* (2001), the Tribunal emphasized that the right to adequate housing is recognized in article 11 of the *International Covenant on Economic, Social and Cultural Rights*. In the first case, Mrs. Gilbert was refused housing due to her social status (welfare recipient) and the Tribunal sentenced the landlord to pay her compensation for damages. In the second case, the Tribunal concluded that the

landlord had refused to rent a dwelling to Mrs. Délicieux due to her colour, race and ethnic background and sentenced the landlord to pay compensation to the complainant.

86. In R. v. Clarke (1998), Mr. Clarke was accused of wilfully damaging a building that had been vacant since 1992. Mr. Clarke described himself as an organizer for the Ontario Coalition Against Poverty, a homeless advocacy group. He himself was not homeless. It had been the Coalition's objective to enter the building, clean it up, and remain there for 24 hours. In doing so, it hoped that they could dramatize politically the need for concerted action to deal with the homeless problem and negotiate to remain in the building for a longer period. The Coalition decided that April 19, 1997, would be an occasion for more aggressive action, specifically a highly publicized event at which they would try to occupy the building. On April 19, 1997, after a crowd gathered outside the building, Mr. Clarke climbed a ladder and slightly pried some boards away from a window using a crowbar. Clarke was pulled down from the ladder and arrested by police. In his defence to the charge of mischief, Clarke argued a right to adequate housing under section 7 of the *Canadian Charter of Rights and Freedoms.* The Ontario Court of Justice, Provincial Division, rejected the defences invoked by Clarke and found him guilty. The Court stated that there was no evidence establishing that what Clarke did was necessary for the protection of himself or some identified person legally under his care from immediate harm or danger. Section 7 of the *Canadian Charter of Rights and Freedoms* was not breached as Mr. Clarke himself was not homeless.

87. In *Bia-Domingo and Québec (Commission des droits de la personne et des droits de la jeunesse) v. Sinatra* (1999), the complainant alleged that the defendant had infringed his right to equal treatment by refusing to conclude a legal act with him, a lease for an apartment, for illegal reasons of discrimination, namely his social status and ethnic background. The Québec Human Rights Tribunal recalled that the right to adequate housing is recognized in various international instruments including the *Universal Declaration of Human Rights* and the *International Covenant on Economic, Social and Cultural Rights.* The Court ordered the defendant to pay Mr. Bia-Domingo damages in compensation, moral damages for infringement of his right to recognition and the full and equal exercise of his rights without discrimination and infringement of his right to protect his dignity as well as an additional amount in exemplary damages due to the unlawful and deliberate infringement of his rights.

88. In *M. v. H.* (1999), M. and H. are women who lived together in a same-sex relationship for ten years. In 1992, M. left the common home and sought an order for partition and sale of the house and other relief. M. included a claim for support pursuant to the provisions of the *Family Law Act* (FLA), which allows either a man or a woman (married and unmarried couples) to apply for spousal support. The FLA draws a distinction by specifically according rights to individual members of unmarried cohabiting opposite-sex couples, which by omission it fails to accord to individual members of cohabiting same-sex couples. The Supreme Court of Canada found that same-sex couples were denied access to the court-enforced system of support based entirely on their sexual orientation and held that this distinction offends section 15 (1) of the *Canadian Charter of Rights and Freedoms*, and that it is not saved by section 1 of the Charter (it does not constitute a

reasonable limit that can be demonstrably justified in a free and democratic society). The Court reaffirmed that legislation that provides spousal benefits and excludes gays and lesbians from its purview will, in the vast majority of cases, be held to be discriminatory under section 15 (1). The Court declared that the words "a man and woman" were to be read out of the definition of "spouse" in section 29 and replaced with the words "two persons."

Article 12: Right to Physical and Mental Health

89. In *C.D.P. v. Dr. G., T.D.P.Q. QUÉBEC* (1995), the Québec Human Rights Tribunal concluded that in refusing to treat P. M., a person living with HIV, Dr. G. and his team exercised a liberty that violated the provisions of the Québec *Charter of Rights and Freedoms* and they acted in a discriminatory manner for which there is no acceptable defence. The Tribunal ordered the defendant to pay P. M. moral damages and ordered the defendant to stop systematically refusing HIV carriers as patients in his clinic.

90. In *Québec (Public Curator) v. Syndicat national des employés de l'hôpital St-Ferdinand* (1996), the unionized employees of a hospital for the mentally disabled participated in illegal strikes. The Public Curator, acting on behalf of the patients in the hospital during the strikes, instituted a class action against the unions representing the employees. The trial judge concluded that the unions had committed a civil fault by provoking, inciting or participating in the illegal strikes and that the patients had suffered prejudice. The Unions were condemned by the Québec Superior Court or Court of Appeal to pay compensatory damages to each member of the group covered by the class action, with some exceptions, and exemplary damages. The Supreme Court of Canada confirmed the judgment. The Supreme Court agreed that, in considering the situation of the mentally disabled, the nature of the care that is normally provided to them is of fundamental importance. The majority of the Court of Appeal was right in concluding that the unions had unlawfully interfered with the safeguard of the patients' dignity guaranteed by the Québec *Charter of Human Rights and Freedoms* although the discomfort suffered by the patients was transient and despite the fact that these patients might have had no sense of modesty.

91. In *Eldridge et al. v. British Columbia (Attorney General) et al* (1997), the Supreme Court of Canada was asked whether the *Medical and Health Care Services Act* and the *Hospital Insurance Act* breached section 15 (equality rights) of the *Canadian Charter of Rights and Freedoms* because they did not provide for the public funding of sign language interpretation for effective communication with deaf patients. The failure to provide sign language interpretation to the deaf so as to provide effective communication between physician and patient to the same degree as the hearing resulted in adverse effect discrimination contrary to section 15 (1) of the Charter.

92. In *Clarken v. Ontario (Health Insurance Plan)* (1998), students coming from foreign countries who are attending Canadian educational institutions were not considered ordinarily "resident" in Ontario and thus have been denied benefits under Ontario Health Insurance Plan (OHIP). The Ontario Divisional Court concluded that the distinction

between foreign students and others in society is not based on national origin but residency in Ontario. The residency requirement also applies certain limitations to students from other provinces who are Canadian citizens: these students are also barred from receiving OHIP coverage until after a period of residence of three months in the province. The reference to immigration status in the definition of resident reflects the overall objective of the OHIP scheme, which is to provide health care coverage to residents of Ontario.

Article 13: Right to Education

Special needs of disabled students

93. In *Eaton v. Brant County Board of Education* (1997), at her parents' request, Emily Eaton, a 12 year old girl with cerebral palsy, was placed in her neighbourhood school. After three years, the teachers and assistants concluded that Emily's placement in the regular classroom was not in her best interests and might well harm her. The Identification, Placement and Review Committee decided that Emily should be placed in a special education class. The Supreme Court of Canada concluded that the decision did not contravene section 15 (equality rights) of the *Canadian Charter of Rights and Freedoms* because it did not constitute the imposition of a disadvantage or burden nor did it constitute a withholding of a benefit or advantage from Emily, because the decision was made in her best interests. The Court stated that segregation can be both protective of equality and violative of equality depending on the person and state of disability. In some cases, special education is a necessary adaptation of the mainstream world which gives some disabled pupils access to the learning environment they need in order to have an equal opportunity in education. While integration should be recognized as a norm of general application because of the benefits it generally provides, a presumption in favour of integrated schooling would work to the disadvantage of pupils who require special education in order to achieve equality. Integration can be either a benefit or a burden depending on whether the individual can profit from the advantages that integration provides. The Court stated that in the case of discrimination on the basis of disability, the discrimination does not lie only in the attribution of untrue characteristics but in the failure to take account of actual characteristics and to make reasonable accommodation for them.

94. In *Concerned Parents for Children With Learning Disabilities Inc. Saskatchewan (Minister of Education)* (1998), the Saskatchewan Court of Queen's Bench decided that the plaintiff's action was viable and should be allowed to proceed. The plaintiffs are six children said to be of average to above average intelligence who, despite their intellectual capabilities, all have a history of academic and social failure within the regular classroom setting. They claim that the Government has breached its duties to provide education and educational services "appropriate to the needs and circumstances of a child with a learning disability." It is conceded that the legislation at issue provides for the education of learning disabled children, that such children are not excluded from the general services provided to other children, and, indeed, that some special accommodation is accorded to them on the basis of their disability. It is alleged that, nonetheless, failure to

provide the specific special segregated programming claimed for severely learning disabled children renders them unable to obtain the benefits of a basic education available, generally, to children who are not similarly disabled. The legal bases for the Government's duty would include Article 13 of the *International Covenant on Economic, Social and Cultural Rights*, Article 19 of the *Convention on the Rights of the Child*, section 13 of the *Saskatchewan Human Rights Code*; and sections 7 and 15 (1) of the *Canadian Charter of Rights and Freedoms*. The Court concluded that the plaintiffs' claim is viable on the basis of an allegation of breach of a duty to accommodate the needs of children with learning disabilities within the public education system in accordance with the requirements of section 15 (1) of the *Canadian Charter of Rights and Freedoms* and the Supreme Court's decision in *Eldridge* (See above — right to health) and did not make a final determination on the relevance of each of the other legal bases alleged.

Minority language educational rights

95. In *Arsenault-Cameron v. Prince Edward Island* (1999), the Supreme Court of Canada declared that the parents of the Francophone minority in the Summerside area were entitled to have their children taught in French at the elementary level in French-language educational institutions funded in their area rather than in a distant community. The Court stressed that section 23 of the *Canadian Charter of Rights and Freedoms* (rights to instruction in the minority language) is intended to correct, at the national level, the progressive historical erosion of official language groups and make both official language groups equal partners in the realm of education. The school is the most important institution for the survival of the official language minority. Section 23 of the Charter imposed a constitutional obligation on the province to provide instruction in the minority official language to the children of parents addressed by section 23 where numbers warranted. The Court further indicated that section 23 was based on the premise that real equality required different treatment for official language minorities where necessary to reflect their situation and special needs in order to guarantee them a level of education equivalent to that of the official language majority. This capacitation is essential to redress past injustices and guarantee that the specific needs of the minority language community are the primary consideration in all decisions involving linguistic or cultural issues. The Court ruled that the representatives of the official language community were entitled to a certain degree of control in that institution independent of the existence of a minority language board. The province could control the content and qualitative standards of courses of study for official language communities insofar as these did not negatively affect the minority's legitimate linguistic and cultural concerns.

96. In *Abbey v. Essex County Board of Education* (1999), Mrs. Abbey, an Anglophone mother living in Ontario, applied to register her eldest child at a French-language school in Essex County, Ontario. The Ontario legislation gave admission committees the discretionary power to accept non-Francophone children in French-language education programs. This power was exercised in Mrs. Abbey's favour and her child was legally enrolled in the French-language school. Mrs. Abbey moved to another community the following year and the local French-language school agreed to admit not only Mrs. Abbey's eldest child but two of her other children as well. When the family

returned to Essex County in 1996, the local Protestant school board refused to pay the tuition fees for Mrs. Abbey's three children to attend a French-language school run by a Catholic school board. Their admission was dependent on this payment. Section 23 (2) of the *Canadian Charter of Rights and Freedoms* provides that "citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language." The Ontario Court of Appeal ruled that the rights to instruction in the minority language did not belong only to children of citizens whose mother tongue was that of the Francophone or Anglophone minority in the province where they were living or who had received their elementary school instruction in that language. These rights were recognized equally to all children of Canadian citizens where one child had received instruction at the primary or secondary level in French or English in Canada.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

Cultural life

97. In *R. v. Van der Peet* (1996), the Supreme Court of Canada decided that the test to be used to identify whether an applicant has established an Aboriginal right protected by section 35 (1) of the *Constitution Act, 1982* is the following: in order to be an Aboriginal right an activity must be an element of a practice, custom or tradition integral to the distinctive culture of the Aboriginal group claiming the right. In this that case, the appellant failed to demonstrate that the exchange of fish for money or other goods was an integral part of the distinctive Stolo culture which existed prior to contact with the Europeans and was therefore protected by section 35 (1) of the *Constitution Act, 1982*.

98. In *Lalonde v. Health Services Restructuring Commission* (1999), the Ontario care restructuring commission had recommended that Hôpital Montfort, the only Francophone teaching hospital in the Province of Ontario, become chiefly an ambulatory care centre, offer one-day treatments and maintain a limited number of beds for low-risk obstetrics and an emergency facility. The Hôpital Montfort board of trustees contested this decision, forcefully maintaining that the transformation of the hospital in the way prescribed by the directives would cause irreparable harm to the Franco-Ontarian community, that is to say: it would be impossible for Hôpital Montfort to continue to offer health care services and medical training in a Francophone environment; accordingly, Hôpital Montfort would not be able to continue to play its role as an institution essential to the survival of the Franco-Ontarian community; the direct result of implementing the directives would be to increase the rate of assimilation of the Franco-Ontarian minority to the Anglophone majority, a rate that was already very high. Ontario Divisional Court ruled that the issue in the case was not just the matter of a minority language or the question of minority instruction. The issue turned on broader concepts that involved the preservation of the Francophone multicultural heritage of Canadians. In view of the constitutional mandate to protect and respect minority rights — a "distinct principle that underlies our Constitution" and a "powerful normative force" — the

Commission was not free to execute only its mandate of "restructuring health services" and ignore Hôpital Montfort's broader constitutional role as a real Francophone centre, necessary to the growth and enhancement of the Franco-Ontarian identity as a cultural and linguistic minority in Ontario and the protection of this culture from assimilation. The Court therefore rejected the Commission's directive and dismissed the case for fresh study by the Minister of Health. The case was heard and taken under advisement by the Ontario Court of Appeal.

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Part III

Measures Adopted by the Government of Canada

Introduction

Fiscal policy

99. As detailed in the Introduction to this report, by the mid-90s, Canada was coming out of an economic decline. The Government of Canada faced the challenge of fiscal responsibility and succeeded in bringing its fiscal deficit under control. In 1994, the deficit amounted to $42 billion. In the space of only four years, fiscal policy actions resulted in the elimination of the deficit and for the fiscal year 1997-1998, the Government of Canada recorded a surplus of $3.5 billion — the first time it had done so in 28 years. Similar results were achieved in 1998-1999 with a surplus of $2.9 billion. The government has developed a plan to ensure a better environment for economic growth and enhanced productivity by reducing the debt burden, cutting taxes and making strategic investments. The government's monetary policy is focussed on keeping the annual rate of inflation between one and 3 percent; this will encourage investment by keeping interest rates as low as possible.

Gathering Strength — Canada's Aboriginal Action Plan

100. As stated during Canada's last appearance before the Committee, Canada responded to the Royal Commission on Aboriginal Peoples (RCAP) in 1998 with *Gathering Strength — Canada's Aboriginal Action Plan* (http://www.ainc-inac.gc.ca/). The vision articulated in Gathering Strength is straightforward: a new partnership between Aboriginal people and other Canadians that reflects our interdependence and enables us to work together to build a better future; financially viable Aboriginal governments able to generate their own revenues and able to operate with secure, predictable government transfers; Aboriginal governments reflective of, and responsive to, their communities' needs and values; and, a quality of life for Aboriginal people comparable to that of other Canadians.

101. As part of Gathering Strength, the Government offered a *Statement of Reconciliation*, which acknowledged its role in the development and administration of the residential school system. To the victims who suffered physical and sexual abuse at residential schools, the Government said that it is deeply sorry. The Government also committed $350 million in support of a community-based healing strategy to address the healing needs of individuals, families and communities arising from the legacy of physical and sexual abuse at residential schools.

102. In May 1998, the Aboriginal Healing Foundation (AHF) was formally launched. It is an Aboriginal-run, non-profit corporation which operates at arms' length from the Government, and funds proposals from First Nations, Inuit and Métis affected by the legacy of physical and sexual abuse in the residential school system.

103. While the responsibility of implementing Canada's Aboriginal Action Plan lies largely with the Department of Indian and Northern Affairs, starting in 1998-1999, the Department of Canadian Heritage increased funding for Aboriginal advocacy

organizations, as well as for the Aboriginal Women's Program, to run over a four-year period, to support women in building capacity within their organizations and addressing self-governance issues. The implementation of both the Aboriginal Languages Initiative ($20 million over four years) and the Urban Multipurpose Aboriginal Youth Centres Initiative ($100 million over five years) in 1998-1999 were also linked to recommendations of the RCAP.

Nunavut

104. The 1993 *Nunavut Land Claim Agreement* led to the creation of the new territory of Nunavut, which means "our land" in Inuktitut, on April 1, 1999. One-fifth the nation's land mass, Nunavut is formed from two million square kilometres carved out of the eastern and central sections of the Northwest Territories. The population of the new territory is 85 percent Inuit. Since 1993, the Inuit, as Nunavut's majority population, have been shaping a territorial government to reflect their culture, traditions and aspirations. To meet the needs of its 28 scattered communities, the Government of Nunavut is highly decentralized with advanced communications technology playing a key role in this structure.

105. Training and development of public servants started following the implementation of the 1993 Agreement, and such programs continue to be a driving force in Nunavut's evolution to self-sufficiency. The Government of Canada committed approximately $40 million for the recruitment and skills upgrading of Nunavut public service employees. By April 1999, about 600 Inuit had already benefited from the training programs. Inuktitut, along with English and French, is a working language of the Nunavut government.

Land claims settlements and the *Nisga'a Final Agreement*

106. Fourteen comprehensive claim agreements have been signed since the announcement of the federal government's claims policy in 1973. Between October 1994 and December 1999, the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* (1994) and seven Yukon First Nation Final Agreements were reached.

107. In 1999, the *Nisga'a Final Agreement* was signed. This agreement sets aside 2,019 square kilometres of the Nass River Valley in British Columbia as Nisga'a Lands and establishes a Nisga'a Central Government. The Nisga'a own and have rights to natural resources, and will receive $253 million over 15 years. The land and resource components of the Agreement, combined with enhanced governance powers, will allow the Nisga'a to be more self-reliant and participate more fully in the economy.

108. Since 1998, the Government of Canada has withdrawn the requirement for an express reference to extinguishment of Aboriginal rights and title either in a comprehensive claim agreement or in the settlement legislation ratifying the agreement. This position is reflected in the *Nisga'a Final Agreement*, which sets out all the rights that the Nisga'a

have under section 35 of the *Constitution Act, 1982*, the area over which they apply and the limitations to those rights.

Canadian Rural Partnership

109. The Canadian Rural Partnership is the key policy framework supporting federal rural policy efforts. Funded by $20 million over four years (1998-2002), the Partnership ensures that federal programs, policies and activities support rural communities to enhance the quality of life in these communities and better equip them to compete in a global economy. To further expand the Partnership, the Federal Framework for Action in Rural Canada was announced in May 1999 to respond to further consultation on rural citizens' priorities. The Framework includes recognition of 11 areas as policy priorities for the government in addressing its commitment to assist rural Canadians. These priorities include improving opportunities for rural youth, access to financial resources, and access to federal services in rural communities.

Education on human rights

110. All governments in Canada carry out public education programs in the area of human rights. Within the federal government, the main agencies involved are the Department of Canadian Heritage, the Department of Justice and the Canadian Human Rights Commission.

111. The Department of Canadian Heritage has a mandate to promote a greater understanding of human rights, fundamental freedoms and related values. To fulfill this mandate, it provides funding and technical advice to non-governmental organizations and community groups for activities that educate the public about human rights. It also distributes, free of charge, various human rights materials, including the *Canadian Charter of Rights and Freedoms*, the principal international human rights instruments, and Canada's periodic reports to the United Nations under the various UN human rights treaties to which it is a party. A Web site provides information on human rights in Canada, and includes on-line copies of the human rights instruments, Canada's periodic reports to the United Nations, and the concluding observations made by each UN Committee on Canada's reports. (See http://www.pch.gc.ca/ddp-hrd.)

112. The Department of Justice sponsors the Access to Justice Network (ACJNet) (http://www.acjnet.org), an Internet-based service providing information and educational resources on Canadian justice and legal issues. It is dedicated to making law and justice resources available to all Canadians in either official language. Its Lesson Plans section is especially useful for teachers preparing lessons on human rights themes for elementary and secondary school students. The Department of Justice also supports the education projects of non-governmental organizations and individuals that focus on human rights and the law. The Department provides grants and contributions for projects that promote a greater understanding of human rights issues, laws and institutions, both domestically and internationally, in the justice system and the community at large.

113. Following the review of Canada's Third Report under this Covenant, the Committee recommended that copies of its concluding observations be provided to all judges and called for training of judges on Canada's obligations under the Covenant. In September 1999, the concluding observations were forwarded to both the National Judicial Institute and the Canadian Judicial Council. Since the review of Canada's Third Report, the National Judicial Institute, an independent, non-profit organization, has provided relevant training to judges in Canada, including sessions on international human rights norms, environmental law and the domestic application of international law, which included modules on "The Relevance and Application of International Law to Judges in Canada," "Canada in the International Legal System," and "International Human Rights."

114. The Canadian Human Rights Commission carries out promotional activities, conducts training sessions to federally regulated public and private sectors employers and produces publications on various human rights issues, as well as videos, posters, and reports. The Commission publishes *Equality,* a quarterly magazine to inform the public about developments in human rights. A large number of its publications are available on its Web site (http://www.chrc-ccdp.ca). The Commission's materials are used for information and education purposes by schools, employers, NGOs, and unions. Each of the regional offices of the Canadian Human Rights Commission conducts educational and training programs and publishes materials relevant to its region. The Commission endeavours to involve the community in its work. For example, in 1997, the Commission organized a Disability Issues Forum to bring together representatives of disability organizations to talk about their concerns and priorities and get useful suggestions on how disability rights can be better protected. Again in 1997, the Commission produced a poster and booklet — in partnership with the Canadian Dyslexia Association — aimed at increasing awareness of this learning disability.

International gatherings

115. Canada's Fourth Report on the *International Covenant on Economic, Social and Cultural Rights* comes at a very active time for human rights on the international scene. The period covered by this report (1994-1999) coincided with years dedicated by the United Nations to the struggle against racism and racial discrimination, the reduction of poverty, world recognition of indigenous peoples and human rights education. This period was also marked by Canada's support for a number of action plans affecting human rights. Canada endorsed the World Summit for Social Development program to eradicate poverty, create employment and promote social integration; the Fourth World Conference on Women action program to eliminate all forms of discrimination against women; the Habitat program to enhance living conditions in cities, towns and villages all around the world and the World Food Summit plan of action to eradicate hunger, food insecurity and malnutrition.[7] During this period, the Government of Canada developed implementation strategies for several of the action plans.

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[7] March 1995, World Summit for Social Development, Copenhagen, Denmark; September 1995, Fourth United Nations World Conference on Women, Beijing, China; June 1996, Second United Nations Conference on Human Settlements, Habitat II, Istanbul, Turkey; November 1996, World Food Summit, Rome, Italy.

116. In 1999, Canada took advantage of the VIII Francophonie Summit in Moncton to celebrate its Francophone personality in a very special way by launching the Year of La Francophonie in Canada. It was an occasion to recognize the contribution of the country's Francophones and Francophiles to the development of Canadian society and their vitality within Canada and across the world.

International cooperation

117. The purpose of Canada's official development assistance program (ODA) is to support sustainable development to reduce poverty and contribute to a more secure, equitable and prosperous world. The objective of providing this assistance is to work with developing countries, and countries in transition, to develop the tools to eventually meet their own needs. Canada's total ODA in 1999-2000 was $2.7 billion.

118. Canada has made firm commitments to the protection and promotion of human rights through development cooperation. The foreign policy statement *Canada and the World* (1995) provides the policy framework for Canada's Overseas Development Assistance (ODA) and states that: "The purpose of Canada's official development assistance is to support sustainable development in developing countries, in order to reduce poverty and to contribute to a more secure, equitable, and prosperous world." One of the six identified program priorities is human rights, democratization and good governance. The Government of Canada Policy for the Canadian International Development Agency (CIDA) on Human Rights, Democratization and Good Governance (1995) states that: "The Government's policy is to enhance the will and capacity of developing country societies to respect the rights of children, women and men, and to govern effectively and in a democratic manner."

119. CIDA pursues this policy through five objectives which seek to strengthen: the role and capacity of civil society in developing countries, in order to increase public participation in decision-making; democratic institutions, in order to develop and sustain responsible government; the competence of the public sector, in order to promote the effective, honest and accountable exercise of power; the capacity of organizations that protect and promote human rights, in order to enhance each society's ability to address rights concerns and strengthen the secutiry of the individual; and the will of leaders to respect human rights, rule democractically, and govern effectively.

120. The other CIDA program priorities identified in *Canada in the World* are:

- Basic human needs, to meet the needs of people living in poverty in primary health care, basic education, family planning, nutrition, water and sanitation, and shelter, as well as to respond to emergencies with humanitarian assistance — *Canada and the World* commits the Government of Canada to providing 25 percent of its ODA to basic human needs;
- Gender equality, to support the achievement of equality between women and men to ensure sustainable development;

- Infrastructure services, to help developing countries deliver environmentally sound infrastructure services — for example, rural electricity and communications — with an emphasis on poorer groups and on building capacity;
- Private-sector development, to promote sustained and equitable economic growth by supporting private-sector development in developing countries and organizations which are working in micro-enterprise and small business development to promote income generation; and
- Environment, to help developing countries protect their environment and contribute to addressing global and regional environmental issues.

121. CIDA's mandate also includes working with countries in transition (CITs) to support democratic development and economic liberalization in Central and Eastern Europe and the newly independent states by building beneficial partnerships. Programming in these countries has the following four priorities: 1) to assist in the transition to market-based economies; 2) to encourage good governance, democracy, political pluralism, the rule of law and adherence to international norms and standards; 3) to facilitate trade and reduce threats to international and Canadian security.

122. All of these priority areas of programming contribute to the realization of economic, social and cultural rights.

Involvement of civil society

123. Since 1994, the Government of Canada has been striving for transparency in public affairs and inviting civil society views regarding policy development through consultations, meetings and electronic correspondence. The preparations already mentioned for various special sessions of the General Assembly and world summits have invited participation by numerous non-governmental organizations (NGOs) for consultation purposes.

124. Non-governmental organizations are very active in Canada, some of them government-funded and some supported by other sources. The Government of Canada recognizes this sector as an essential partner in national growth at every level.

125. In the preparation of this report, more than 200 NGOs were invited to provide their views on the issues that would be addressed in the federal section of the report. The following organizations responded to this invitation: the Canadian Association for Fifty Plus, the Canadian Centre for Victims of Torture, the Canadian Council for Refugees, the Canadian Federation of University Women, the Hellenic Canadian Congress, the Poverty and Human Rights Project and the Elementary Teachers' Federation of Ontario.

126. The viewpoints provided by these NGOs have been distributed to the departments and governments concerned and will be forwarded, under separate cover, to the Committee on Economic, Social and Cultural Rights.

127. The concerns raised focussed on the following issues: factors compromising the progress of the Covenant; immigrant access to the policy development process; representation of Canada's various ethnic groups in the different orders of government; equal rights between men and women; the *Employment Equity Act*; issues of equality and discrimination against ethnic groups that are not in the visible minorities category; refugees and their access to rights; poverty; the suspension of people's rights due to their cultural or national heritage; the discrepancy between Canada's international policy statements and the incorporation of these principles and their practice in jurisprudence in all areas in Canada; protection of the elderly; the rights of individuals; quality of education; the promotion of the family; the absence of a procedure for handling complaints about economic, social and cultural rights; the effect of growing disparities in people's lives; free trade ideology and human rights; globalization and workers' rights; the rights of low-income people and the Canada Health and Social Transfer (CHST); cuts in social programs; cuts in employment insurance; responses to the twenty recommendations of the Committee on Economic, Social and Cultural Rights.

Article 1: Right to Self-determination

128. Canada subscribes to the principles set forth in the *International Covenant on Economic, Social and Cultural Rights*. Article 1 of the Covenant is implemented without discrimination as to race, religion or ethnic origin. All Canadians have meaningful access to government to pursue their political, economic, social and cultural development.

Article 2: Rights Specifically Subject to Non-Discrimination Provisions

129. The Government of Canada is committed to human rights legislation that ensures all Canadians enjoy the same protection from discrimination and the same opportunity to participate meaningfully in Canada's economic and social life. The *Canadian Human Rights Act* (CHRA) governs employment and the provision of goods and services by the federal government and federally regulated businesses. On June 30, 1998, amendments to the CHRA entered into force on, *inter alia*, the following elements:

- To prevent discrimination, a legal obligation or "duty of accommodation" was added to the Act that requires employers to address the needs of people who are protected under the CHRA, including persons with disabilities. The amendment ensures that those protected by the Act do not encounter unfair barriers and have, within reasonable limits, the same opportunities as other Canadians to find employment and take advantage of services. It requires employers and providers of services to make accommodation for the needs of people who are protected under the Act, except where this would cause undue hardship with respect to health, safety and cost. This includes, for example, ensuring that a workplace is wheelchair-accessible.

- The Act now recognizes that individuals may suffer discrimination on a number of grounds at the same time (section 3.1). For example, a woman may experience discrimination in finding a job not only because she is a woman but also because of her race or disability. The Act now allows for multiple grounds of discrimination to be taken into account by a tribunal and that each ground of discrimination does not have to be considered separately. This reflects a more holistic and comprehensive approach to the resolution of human rights complaints.

- The Canadian Human Rights Commission now reports directly to Parliament.

- A small, permanent Human Rights Tribunal was created to replace the system of ad hoc tribunals and review tribunals. A permanent tribunal provides greater efficiency in hearing cases and creates a consistent body of decisions and a solid base of expertise, because its members hear more cases. It also helps to speed up the complaints process by reducing the number of levels of review and by ensuring that tribunal members are more readily available to deal with cases.

- The maximum limit on compensation for pain and suffering or for wilful or reckless discrimination was raised to $20,000.

130. In April 1999, the Minister of Justice of Canada announced a review of human rights protection in Canada. A former Justice of the Supreme Court of Canada was appointed to chair a review panel. Other members of the panel were a former commissioner with the Canadian Human Rights Commission, a professor of human rights law and a professor of business and noted expert on systemic discrimination issues.

131. The review consisted of an examination and analysis of the *Canadian Human Rights Act* and the policies and practices of the Canadian Human Rights Commission with a particular focus on:

- an examination of the purpose and grounds to ensure that the Act accords with modern human rights and equality principles; recognizing the principles and complexities of the legal and policy issues regarding social and economic rights, the Review Panel examined the question of whether "social condition" should be added as a prohibited ground of discrimination.
- a determination of the adequacy of the scope and jurisdiction of the Act, including an examination of its exemptions;
- a review of the complaints-based model and recommendations for enhancing or changing the model to improve protection from both individual and systemic discrimination, while ensuring that the process is efficient and effective; and
- an examination of the powers and procedures of the Canadian Human Rights Commission and the Human Rights Tribunal.

The review panel held consultations with the public, employers, unions, equality-seeking groups and other interested parties. Information on the review panel's report, tabled in June 2000, will be provided in Canada's next report.

Discrimination against vulnerable groups

Aboriginal people

132. Most articles in this report highlight the specific measures granted to Aboriginal people. These measures emanate in part from *Gathering Strength — Canada's Aboriginal Action Plan*, described in the Introduction to Part III of the present report.

133. The Government of Canada provides funding under the Aboriginal Friendship Centre Program (an average of $15.3 million for 1994-1999) that supports an infrastructure of 99 Aboriginal friendship centres as well as the National Association of Friendship Centres (NAFC). These organizations, through work within their respective communities, engage in activities to increase awareness of Aboriginal culture and address/eliminate discrimination against Aboriginal people.

Immigrants and refugees

134. The new *Immigration and Refugee Protection Act* (IRPA) and supporting regulations consolidate protection criteria and decision-making processes for persons fleeing persecution, torture and risk to life. Persons found to need protection may apply for permanent resident status and may sponsor some family members still living abroad. The legislation received Royal Assent on November 1, 2001 and entered into force in 2002. More detailed information will be provided in Canada's next report.

135. While refugee claimants are ineligible to receive settlement services funded by Citizenship and Immigration Canada (CIC), they are able to access provincial services. CIC's settlement programs do not discriminate on the basis of any of the rights guaranteed by the Covenant, and are available to all persons who have been granted the right to remain in Canada.

136. CIC's integration programming demonstrates an effort on the part of CIC to create a more welcoming host society and raise awareness of Canadian values of tolerance and respect for diversity through promotions materials, Web sites and outreach activities. The March 2000 launch of CIC's *Canada We All Belong* and *Welcome Home* campaigns is outside of the reporting period in question, but is an excellent example of how the Department strives to play an important role in making Canada a truly inclusive society.

Article 3: Equal Rights of Women and Men

137. Information on the status of women in Canada and women's role in Canadian society can be found in Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women* (http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw_e.cfm).

138. Established in 1976, Status of Women Canada (SWC) is the federal government department responsible for the promotion of gender equality and the full and equal participation of women in the economic, social, cultural and political life of the country.

It's mandate is to "coordinate policy with respect to the status of women and administer related programs."

139. Canada, in response to a call from the United Nations to formulate a national plan to advance the situation of women, both within its own borders and globally, presented *The Federal Plan for Gender Equality* in 1995 at the Fourth United Nations World Conference on Women in Beijing. Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women* outlines the objectives of the plan, which includes the development and application of tools and methodologies for carrying out gender-based analysis (GBA), the development and delivery of GBA training, and the development of indicators to assess the progress made toward gender equality.

140. Status of Women Canada has worked strategically and horizontally to inform and influence the actions of various stakeholders to integrate GBA and implement change to achieve gender equality. Since 1995, SWC has developed and provided other government departments with a series of tools and supports to assist them in the implementation of GBA. Notable among these is *Gender-Based Analysis: A Guide for Policy-Making*, released in March 1996. In 1999, SWC established a Gender-based Analysis Directorate tasked with accelerating GBA implementation across the federal government.

141. SWC's policy and external relations function includes the review and provision of gender expertise on existing and proposed federal government policies, legislation, programs and initiatives. It develops recommendations and strategies and works in cooperation with other federal departments to promote gender equality and undertakes developmental activities to address policy gaps on issues of concern to women. It also collaborates with various stakeholders, including provincial and territorial governments, civil society and non-governmental organizations, international organizations and other governments on policy-related activities. A key example includes the 1997 child support reform package which included changes to the tax treatment of child support developed by SWC. The Secretary of State (Status of Women) had a leadership role in holding consultations across the country on this issue.

142. Other areas in which Status of Women Canada has been particularly active and influential include pension reform, and initiatives in the tax system and employment insurance program to better recognize the non-market dependant care work that is predominately undertaken by women and which has implications for their economic autonomy and security. Advances in criminal law and measures to address violence against women have also benefited from SWC engagement. To aid in all policy areas, Status of Women Canada has also contributed to the development of statistics and indicators to support GBA, such as the *Economic Gender Equality Indicators, Finding Data on Women: A Guide to the Major Sources at Statistics Canada* and the *Guide to Gender-Sensitive Indicators* with an accompanying handbook; and development of gender-based research in the Government of Canada and with counterparts in other governments and international organizations.

143. During the period from June 1996 to September 1999, the Policy Research Fund of Status of Women Canada issued 13 calls for proposals which examined themes such as the impact of the Canada Health and Social Transfer (CHST) on women, women's access to justice, custody and access of children, women's paid and unpaid work and their vulnerability to poverty, factoring diversity into policy development, reducing women's poverty, women and the Canadian tax system, women and the *Canadian Human Rights Act* and trafficking in women.

144. Between 1994 and 1999, SWC's Women's Program funded initiatives which addressed discrimination based on sex, age, sexuality, race, colour, nationality and physical condition. For example, funding was provided to the Aboriginal Women's Council (1994) for a participatory, action-oriented, research project with Aboriginal women to systematically define the discrimination they experience in housing, employment and health and social services. In Québec, funding was provided to Action travail des femmes du Québec incorporé (1994-1995). The purpose of the project was to inform ethnocultural organizations of ways to overcome discrimination and to build collaborative links with stakeholders in the community to assist women who experience work-related discrimination. It also involved creating and adapting information and leadership tools to respond to the specific needs of women in cultural communities. An initiative by Equality for Gays and Lesbians Everywhere (EGALE) (1997-1998) supported the first national survey on the demographics of the gay, lesbian and bisexual communities in Canada: violence and discrimination experienced within these communities; the degree of legal recognition of same-sex relationships; and the multiple barriers that lesbians, gay men and bisexuals face. The National Organization of Immigrant and Visible Minority Women of Canada (1998-1999) (NOIVMWC) undertook activities in two key areas: 1) assessing the needs, issues and concerns of immigrant and visible minority girl children in five cities, focusing on discrimination, violence, and racism; 2) identifying priority issues concerning the new communication technology for immigrant and visible minority women's groups/organisations.

145. The Aboriginal Women's Program (AWP) of the Department of Canadian Heritage provided $8.5 million over five years, with annual allocations in support of three national Aboriginal women's organizations and approximately 70 projects at the provincial/territorial level each year. These projects were designed to improve social conditions, cultural retention and preservation, economic well-being and leadership development and training, while maintaining cultural distinctiveness and preserving cultural identity. Some of these projects also focused on family violence.

146. The AWP also provided funding to the Native Women's Association of Canada to pursue the issue of Aboriginal women living on reserves who do not enjoy the same right, as women living off reserves, to an equal share of matrimonial property at the time of marriage breakdown.

International cooperation

147. Gender equality is considered an integral part of all policies, programs and projects of the Canadian International Development Agency (CIDA).

148. CIDA's Policy on Gender Equality (March 1999) identifies one of its objectives as: "to support women and girls in the realization of their full human rights." CIDA's approach is that women's rights are human rights. The removal of kev barriers, such as gender discrimination, supporting organizations promoting women's rights, and fostering an enabling environment are important elements of CIDA's programming.

Article 6: Right to Work

149. The Government of Canada has addressed the right to work in several reports, including its Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women*. Canada's earlier reports on the Covenant also provide useful information.

150. The Government of Canada has subscribed to a number of conventions involving the right to work. The following reports to the International Labour Organization (ILO) deal with several aspects of article 6 of this Covenant and should be consulted for additional information:

- reports on the Employment Policy Convention for the periods July 1, 1996, to June 30, 1998, (pages 4-10 and 36-41) and July 1, 1998, to May 31, 2000 (pages 4-10 and 36-39);
- reports on the Employment Service Convention for the period July 1, 1993, to June 30, 1998 (pages 2-14);
- report on the Discrimination (Employment and Occupation) Convention for the periods July 1, 1995, to June 30, 1997 (pages 2-6C) and July 1, 1997 to June 30, 1999 (pages 2-4);
- 1997 report (article 19 of the ILO Constitution) for the period ending December 31,1996, on Convention 159 and Recommendation 168 —Vocational Rehabilitation and Employment (Disabled Persons).

General picture

151. The employment situation is generally good: many new jobs have been created and the unemployment rate has fallen among workers of all ages. Between 1992 and 1999, it dropped from nearly 12 percent to under 8 percent.

152. The Government of Canada recognizes that a more productive and innovative economy is the key to ensuring that there is a vibrant labour market for all Canadians. The Government has a range of policies and programs that help Canadians get and keep jobs and does so to support both economic and social objectives.

153. The Government of Canada has focussed its efforts in sustaining a strong, growing economy. Employment growth, while slow during the early and mid-nineties, increased considerably in the following years. From 1996 to 1999, over one million new jobs were created, representing annual employment growth of 2.6 percent over this period. Most of these new jobs (966,000) were full-time in nature. In 1998, Canada's annual employment growth of 2.8 percent was sixth among all OECD countries, and well above the OECD average of one percent. The unemployment rate, at 6.6 percent for May 2000, has been at its lowest level in 25 years.

154. The Government of Canada is encouraging greater demand for labour through a wide range of microeconomic policy actions. These include: improving access to investment capital, particularly for small and medium-sized business and exporters; improving access to business information; and promoting innovation and the growth of high-technology industries. Steps are also being taken to make it easier for businesses to operate by, for example, reducing the paper and regulatory burden, and by setting or updating the policy and regulatory frameworks for emerging or key sectors to support their future development. In addition, the payroll tax levied for employment insurance is being reduced, and the 1996 Budget of the Government of Canada launched a review of tax laws that most affect job creation, including corporate income, capital and payroll taxes.

155. Human capital investment remains an essential element in enabling Canadians to participate fully in the workplace and the community. Through the development of a vision to improve the quality of life for all Canadians, strategic contributions to human development are being made. Important features include: taking an integrated approach to human development, enabling Canadians to manage transitions in their lives, emphasizing preventative measures, forging partnerships, building the capacity of communities, respecting core values, and continuing to develop and build on the strengths of people.

156. Since 1993, the federal government has pursued a strategy of investing in individuals to develop a highly skilled and productive workforce. The government approach has consisted of building a foundation for supporting individuals throughout the key periods of the life-cycle, including: early childhood development, e.g. the National Children's Agenda, the National Child Benefit; access to affordable post-secondary education, e.g. reforms to Canada Student Loans, the Canada Opportunities Strategy, the Canada Health and Social Transfer (CHST). In the 1999 Speech from the Throne, the Government committed to make it easier to finance lifelong learning and provide a single window to Canada-wide information about labour markets, skills requirements and training opportunities, as well as enabling skills development to keep pace with the evolving economy and addressing adult literacy. The federal government, in partnership with business and labour, continues to expand Sectoral Partnerships, which focus collaboration and commitment in identifying and responding to skills challenges in key economic sectors.

157. Since 1996, the Government of Canada has initiated Labour Market Development Agreements with nine provinces and the three territories. This a unique co-operation between federal and provincial/territorial governments allows for the flexibility needed to address local labour market conditions. It is based on a national framework provided by the Employment Insurance legislation and builds on the Government of Canada's desire to work in partnership with the territories and provinces. Programs and services delivered through the Agreements continue to: further federal and provincial labour market objectives and priorities, result in employment and self-sufficiency for assisted clients, increase the participation in the labour market of employable persons, particularly those who are eligible for employment insurance benefits, and foster an entrepreneurial climate.

158. Strong job growth has resulted in a decline in the number of involuntary part-time workers, that is, those who work part-time only because they could not find full-time work (mainly women and young adults).

Aboriginal people

159. An Aboriginal Human Resources Development Council has been set up by the federal and provincial governments, representatives of national Aboriginal organizations and the private sector. The five-year strategy of Human Resources Development Canada for the development of Aboriginal human resources took effect in April 1999. This strategy encompasses all programs for Aboriginal people including labour market programs, youth programs, programs for Aboriginal people living in urban environments, programs for persons with disabilities and children's aid programs.

160. The First Nations and Inuit Youth Employment Strategy provides training and experience to the work force.

161. The mandate of the Aboriginal Workforce Participation Initiative (AWPI) was renewed and enhanced in 1996. AWPI's goal is to educate, inform and encourage employers to undertake Aboriginal employment strategies. Indian and Northern Affairs Canada (INAC) oversees the AWPI external component geared to employers outside the federal Public Service and has been involved in more than 75 initiatives, including a thorough consultation process to develop the *AWPI Employer Toolkit*. The Treasury Board Secretariat looks after AWPI's internal component, aimed at the federal Public Service, and has promoted several projects with federal departments and agencies. AWPI is responsible for making more than 10,000 employers aware of the advantages of hiring Aboriginal people.

Youth

162. The Government of Canada's Youth Employment Strategy (YES), implemented in 1997, provides work experience, career and labour market information, and access to learning opportunities for close to 100,000 participants per year. The YES includes mechanisms such as: Youth Internship Canada, which provides funds to employers for internships;

Youth Service Canada, which provides funds to organizations that create community service projects for specific youth groups; Student Summer Job Action, which provides wage subsidies to employers who create student jobs; and Information Services, which give students access to labour market information.

163. Through the YES, approximately 14 departments and agencies offer subsidies to employers to encourage development of summer placement and internship opportunities for youth throughout the year. For example, the Young Canada Works program of the Department of Canadian allows youth between the ages of 16 and 30 to gain work experience in fields related to their studies in cultural, heritage, English and French language-based institutions and organizations, and Aboriginal Friendship Centres; to earn money to help pay for their education; and to get skills and knowledge needed to participate in the work force.

164. By helping youth earn money, the program facilitates equitable access to education for Canadian youth. The program encourages work force mobility, cross-Canada understanding and friendship across its geographic expanse by assisting employers to host a youth in a summer placement who is from another part of the country. The program also encourages placements and internships in the second official language, to assist in the building of cultural connections of mutual benefit to employer hosts and youth, and the development of real work experiences that assist in the transfer of science and technology applications to cultural and natural heritage sectors. Increased knowledge about Canada, its diverse places and people also accrue from placements and internships in cultural and heritage organizations. Employers who agree to hire participants with disabilities can benefit from additional help to defray a portion of their recruitment costs.

Persons dependent on the fishing industry

165. The Government of Canada announced the Fishery Restructuring and Adjustment Measures (FRAM) on June 19, 1998, to assist individuals and coastal communities on both the East and West coasts adjust to opportunities outside the fishery, and to lay the foundation for an economically and environmentally viable, self-reliant fishery for the future. A total of $1.1 billion was allocated for adjustment and restructuring measures on both coasts. The budget for the East Coast was $760 million, which included $30 million in re-profiled Atlantic Groundfish Strategy (TAGS) funds. Of this, $410 million is provided for adjustment programming, final cash payments and early retirement. The budget for the West Coast was $400 million with $30 million provided for adjustment programming.

Job search

166. The Government of Canada has taken steps to provide Labour Market Information to ensure that those who want work are able to make informed labour market decisions. These services provide several types of information. A powerful Internet service, WorkSearch, has been implemented to guide Canadians through all aspects of the work search process. An electronic matching service for workers and employers, the

Electronic Labour Exchange, helps people match their skills with jobs available in Canada. The National Job Bank, which is an electronic listing of jobs, work or business opportunities, continues to be a resource for all workers to search for jobs across Canada or in a more specific area of the country. Job Futures, a comprehensive career and education planning tool which presents the latest information available about the Canadian workforce, provides overviews of the labour market, economic trends and net benefits to education, as well as detailed profiles for most occupational groups and post-secondary fields of study, including current and future prospects for finding employment.

Employment equity

167. The new *Employment Equity Act* (EEA), which received Royal Assent on December 15, 1995, and came into force on October 24, 1996, applies to the federal public service as well as to private sector-employers under federal jurisdiction and Crown corporations with 100 employees or more. The Canadian Forces and members of the Royal Canadian Mounted Police are subject to the Act upon order of the Governor in Council. The Governor in Council may also make regulations that it considers necessary to adapt the EEA to the Canadian Security Intelligence Service (CSIS).

168. The EEA provides for enforcement of employer obligations by giving the Canadian Human Rights Commission (CHRC) a specific legislative mandate to monitor and verify compliance through on-site employer audits. The CHRC has consulted with the private and public sectors, including advocacy groups, employer and employee organizations, and labour, and has prepared documents outlining the employer audit framework and the criteria to be used to measure compliance. The *Employment Equity Act* created an Employment Equity Review Tribunal with the power to issue court-enforceable orders. Core employer obligations are clarified in the new Act. An administrative penalty replaces the current criminal proceedings for the failure of a private-sector employer to submit the required annual employment equity report to the Minister of Labour.

169. As employer for the federal government, the Treasury Board has obligations under the EEA. Through its Secretariat, it works closely with departments to effectively implement employment equity in the Public Service of Canada by removing barriers to the participation of persons from the designated groups — Aboriginal persons, members of visible minority groups, persons with disabilities and women. This includes providing support for initiatives aimed at improving representation and creating an inclusive work environment. Each year, the President of the Treasury Board submits a report to Parliament on the state of employment equity in the Public Service. The EEA provides for a statutory review five years after coming into force, i.e. in 2001.

170. Between 1994 and 1999, the representation of designated group members in the Public Service had evolved as follows: 2.0 percent in 1994 and 2.9 percent in 1999 for Aboriginal people; 3.8 percent in 1994 and 5.9 percent in 1999 for persons in a visible minority group; 2.9 percent in 1994 and 4.6 percent in 1999 for persons with disabilities; and 47.0 percent in 1994 and 51.5 percent in 1999 for women.

171. The Special Measures Initiatives Program (SMIP) was established for a four-year period (1994 to 1998) and ended on March 31, 1998. This program offered federal institutions financial, technical and other support to help them attain employment equity objectives.

172. After the SMIP ended, there was still a need for support programs to ensure that employment equity would be successfully implemented across departments and agencies of the federal Public Service. As a result, Treasury Board Ministers approved the Employment Equity Positive Measures Program (EEPMP) on October 8, 1998, to assist departments and agencies in meeting their obligations under the *Employment Equity Act*. The EEPMP, like the SMIP, is a temporary program which provides project funding from a $10 million annual budget to serve as a catalyst for eliminating employment barriers and for building institutional capacity to support employment equity in the federal Public Service. The EEPMP was put in place for four years.

173. One project which received funding from the EEPMP was the Accelerated Aboriginal Recruitment and the Career Assignment Program (CAP). The Career Assignment Program received support that enabled it to recruit, assess, select and appoint Aboriginal candidates from CAP positions across the federal Public Service.

174. During the period covered by this report, Treasury Board created two Task Forces to reinforce its commitment to the elimination of barriers in the federal Public Service.

175. The creation of the Task Force on an Inclusive Public Service was announced on December 14, 1998, by the President of the Treasury Board. Its mandate was to provide advice on the way to create a federal Public Service representative of the population it serves and of the Canadian labour force. The Task Force, whose mandate ended on August 31, 2000, has been credited with starting a dialogue about the federal Public Service's corporate culture and how to improve it.

176. On April 23, 1999, the establishment of the Task Force on the Participation of Visible Minorities in the Federal Public Service was announced. Its mandate was to take stock of the situation of members of visible minority groups in the federal Public Service and formulate a government wide action plan with benchmarks and follow-up mechanisms to ensure that the benchmarks were met. During 1999-2000, it consulted extensively with key stakeholders inside and outside the federal Public Service and developed its action plan which was presented to the President of the Treasury Board in March 2000. Information regarding the action plan will be provided in Canada's next report.

177. Employment equity is also the subject of the Federal Contractors Program which applies to contractors doing business with the federal government who do not come under federal jurisdiction (and are thus not covered by the *Employment Equity Act*). Under this program, contractors are obliged to develop and implement an employment equity plan to review the under-representation of the four designated groups on their staffs. Unless they meet several criteria of compliance with program requirements they may be precluded from bidding on future contracts.

Persons with disabilities

178. With respect to the role of the federal government on disability issues, the Federal Task Force on Disability Issues (i.e. the Scott Task Force) was created in 1996 to define this role and to provide recommendations to guide public policy. The Task Force identified the labour market integration of persons with disabilities as a priority issue, and recommended that additional targeted investments be made to improve the situation.

179. The Government of Canada responded with a number of strategic investments. The Opportunities Fund (OF), established in 1997-1998, was designed to address barriers to labour market participation and facilitate the integration of persons with disabilities into employment or self-employment. More than 14,000 persons with disabilities have participated in the program since its inception.

180. The Employability Assistance for People with Disabilities (EAPD) initiative replaced the Vocational Rehabilitation of Disabled Persons (VRDP) on April 1, 1998. The EAPD has a strong focus on employability, labour market activities and the direct integration of Canadians with disabilities into the labour market. Through this initiative, the Government of Canada provides funding of $193 million per year to provinces to support provincial programs and services that help working age adults with disabilities to prepare for, obtain and retain employment.

181. Accountability to the public and to people with disabilities is a key feature of EAPD. The accountability framework includes federal-provincial joint planning, results reporting and evaluation activities. There is also a joint commitment to the involvement of organizations representing people with disabilities in the accountability process.

Women

182. The Policy Research Fund of Status of Women Canada produced research papers in 1997 under the theme "The Relationship Between The Changing Role Of The State, Women's Paid And Unpaid Work, And Women's Vulnerability To Poverty", including *Policy Options to Improve Standards for Women Garment Workers in Canada and Internationally*; *Gender on the Line: Technology, Restructuring and the Reorganization of Work in the Call Centre Industry*; and *Aboriginal Women and Jobs: Challenges and Issues for Employability Programs in Québec*. The Policy Research Fund of Status of Women Canada produced research papers in 1998 under the theme "Trafficking In Women: The Canadian Dimension", including *Canada: the New Frontier for Filipino Mail-Order Brides* and *Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case*. These research papers are used for consultation purposes prior to policy development.

Eliminating discrimination in the workplace

183. The *Canadian Human Rights Act* and the *Canada Labour Code* may be invoked in relation to employment practices, including hiring and firing in the workplace and

various other situations involving systemic discrimination. Employers in Canada have a duty to accommodate persons with disabilities and personal needs, and employees have recourse to a complaint mechanism against wrongful dismissal or any wrongdoing they suffer in the workplace.

184. The *Canadian Human Rights Act* was amended in 1996 to add sexual orientation as a protected ground of discrimination.

Article 7: Right to Just and Favourable Working Conditions

Remuneration

185. The following reports provide information given to the ILO on the matter of remuneration and should be consulted for additional information:

- Reports on the Equal Remuneration Convention for the periods July 1, 1993, to June 30, 1996 (pages 2-3 and 8-12), July 1, 1996, to June 30, 1998 (pages 2-3 and 15-18), and July 1, 1998, to June 30, 2000 (pages 3-9);
- Reports on the 1921 Convention on Weekly Rest (Industrial, #14) for the period July 1, 1994, to May 31, 2000.

Minimum wage

186. Information about the minimum wage was provided in Canada's Third Report on the Covenant (paras 150-151) and in Canada's response to the Committee's question 28 in view of the review of the Third Report (http://www.pch.gc.ca/progs/pdp-hrp/docs/cesc_e.cfm).

Equal pay for equal work

187. One of Canada's objectives outlined in the Federal Plan for Gender Equality is to improve women's economic autonomy and well being. The federal government has undertaken a number of measures to this end which are outlined in Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women* (http://www.pch.gc.ca/progs/dpd-hrp/docs/cedaw_e.cfm).

188. The Government of Canada is committed to the principle of pay equity. In the federally regulated sector, the right to equal remuneration for work of equal value is protected by section 11 of the *Canadian Human Rights Act*, which makes it a discriminatory act for an employer to establish or maintain different wages for male and female employees doing work of equal value in the same establishment.

189. Further, on October 29, 1999, the federal government announced its intention to conduct a comprehensive review of section 11 of the Act and of the *Equal Wages Guidelines, 1986*, "with a view to ensuring clarity in the way pay equity is implemented in the modern world." The Minister of Labour and the Minister of Justice appointed a task

force to conduct consultations with key stakeholders, to review the current equal pay provisions of section 11 of the *Canadian Human Rights Act*, as well as the *Equal Wages Guidelines* and to make recommendations within one year of commencement of the review. The Review takes into account the following considerations:

- Canada ratified the International Labour Organization Convention 100 in 1972, thereby giving effect to the principle of equal pay for work of equal value, and is party to and has ratified other international human rights agreements which further support this principle;

- section 11 of the *Canadian Human Rights Act*, which makes it a discriminatory practice to pay men and women differently for performing work of equal value, has not been amended or subjected to a comprehensive review since receiving Royal Assent in 1977;

- some provincial jurisdictions have adopted pay equity legislation which takes a more proactive approach to addressing gender-based wage discrimination and places positive obligations on both employers and employee organizations or representatives to ensure that this principle is implemented; and

- many observers, including the Canadian Human Rights Commission, favour an alternative to the current complaint-based approach to implementing the principle of equal pay for work of equal value.

190. The Canadian Human Rights Commission continues to promote compliance with the equal pay provisions in the *Canadian Human Rights Act* and investigate complaints lodged under the terms of these provisions. The Commission reports that since 1987, it has resolved about 130 complaints. Total compensation payments equate roughly to $4 billion, mostly paid for in accordance with the Tribunal Consent Order following the 1999 settlement of the Treasury Board complaint (see below). At the end of 1999, 29 complaints were under investigation.

191. Human Resources Development Canada (HRDC) administers a proactive labour program to ensure equal pay in federally regulated institutions. As at the end of 1999, officials of the department have visited some 1,300 employers under federal jurisdiction who employ a significant number of the total number of employees covered by the federal equal pay legislation, to offer advice and counselling and to monitor progress towards completing equal pay implementation. While the legislation does not require employers to report the amounts of pay equity adjustments, some 138 employers voluntarily reported $51.3 million in adjustments as at September 1999. Some cases were referred to the Canadian Human Rights Commission for investigation and were resolved.

192. In 1994, HRDC introduced a pay equity audit process to verify the actions of employers who report having completed their implementation of equal pay and to work with those employers to resolve any identified gender-based pay inequities. The audit process has been completed with 40 employers.

193. The Government of Canada continues to be committed to the principle of equal pay for work of equal value. Moreover, following the conclusion of the Tribunal and Federal Court proceedings in 1999, the Treasury Board and the Public Service Alliance of Canada reached an agreement that resulted in pay equity payments to approximately 230,000 current and former public servants.

194. Between 1997 and 1999, the Policy Research Fund of Status of Women Canada produced Policy research papers such as *Unpaid Work and Macroeconomics: New Discussions, New Tools for Action*; *Social and Community Indicators for Evaluating Women's Work in Communities*; *Women and Homework: The Canadian Legislative Framework*; and *Women and the Canadian Human Rights Act: A Collection of Policy Research Reports.*

195. Between 1994 and 1999, the Women's Program of Status of Women Canada funded numerous community initiatives at the national and provincial level that address employment equity and pay equity. These initiatives have enabled non-governmental organizations to move this file forward in communities and employer circles and to act on proposed changes to government legislation on pay equity.

Occupational health and safety

196. The occupational safety and health provisions of the *Canada Labour Code* (Part II) have been amended as the result of recommendations put forward by government, employer and employee representatives. This tripartite consultative process is also addressing, on an on-going basis, the occupational safety and health regulations adopted under the Code.

197. Information on working conditions for pregnant and nursing employees can be found in Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women.*

Equal opportunity for promotion

198. Between 1994 and 1999, the Women's Program of Status of Women Canada funded initiatives that address equal opportunity for promotion. This helps to alert public opinion to this matter and equip women to move towards senior positions.

Article 8: Trade Union Rights

199. Canadian governments protect workers with a range of measures including maintenance of the right of free association, just and effective collective bargaining and the absence of discrimination.

200. Canada has more than 20 national unions including almost 10 that are international. These unions cover nearly four million workers in Canada.

201. The Public Service Commission and the Treasury Board have been fostering relationships with national labour unions and pursuing new approaches to labour relations. The Commission and Treasury Board ensure consultation with unions through the Joint Consultative Committee and the National Joint Committee on matters affecting employees, such as priority placements, workforce adjustment initiatives and the alternate exchange program.

Legislative and administrative initiatives

202. Comprehensive amendments to Part I of the *Canada Labour Code* came into force on January 1, 1999. Key amendments include: establishing a representational Canada Industrial Relations Board to replace the non-representational Canada Labour Relations Board; streamlining of the process applicable to resolution of collective bargaining disputes; clarification of the rights and obligations of parties during a work stoppage; a requirement to maintain services necessary to protect public health and safety during a work stoppage; a requirement that services to grain vessels be maintained in the event of a work stoppage in the port; and a prohibition on the use of replacement workers during a legal strike or lockout for the demonstrated purpose of undermining a union's representative capacity.

203. In the fall of 1999, the Secretary of the Treasury Board established the Advisory Committee on Labour Management Relations in the Federal Public Service. The Committee's mandate is to review the state of labour-management relations in the federal public service, including federal collective bargaining legislation and that of other Canadian jurisdictions. The Committee will also evaluate how well the system of labour-management relations created by the *Public Service Staff Relations Act* (PSSRA) has served Canadians. It will seek to study labour-management relations at three levels — the public service generally, as well as the departmental and the local levels. The Committee's first report will be released in 2000.

Article 9: Right to Social Security

204. All of the social security services cited in the reporting guidelines are services that exist in Canada although under different names. The basic structure of the system remains the same as the one described in the first report on the same Covenant. A few amendments were made to certain components and explained in subsequent reports on the Covenant. The amendments that have occurred during the period of interest are explained below.

205. The Government of Canada also deals with the issue of social security in its Second Report on the *Convention on the Rights of the Child* and its reports on the implementation of decisions made at the World Summit for Social Development and measures adopted at the UN Second Conference on Human Settlements cited in the introduction to this document.

Social assistance

206. The Government of Canada does not provide social assistance benefits directly to individuals. Rather, as discussed earlier in this report, the government provides funds to provincial and territorial governments through the Canada Health and Social Transfer (CHST). Provinces and territories use these funds to pay for social assistance benefits, as well as health care, post-secondary education and social services.

207. For 1998-1999, federal social security expenditures, which included transfers to provincial-territorial governments for health care and welfare in the form of the Canada Health and Social Transfer (CHST), direct federal health expenditures, transfers to persons in the form of Old Age Security benefits, Employment Insurance benefits (including family-related benefits), Child Tax Benefits, Canada Pension Plan benefits (including retirement benefits, disability and survivors' benefits), benefits to veterans, benefits to Registered Indians, benefits under federal employment programs, and benefits to the disabled under the Employability Assistance for Persons with Disabilities initiative, amounted to $88.5 billion, that is, approximately 9.8 percent of the gross domestic product. For 1994-1995, these expenditures amounted to $85.6 billion, 11.3 percent of the gross domestic product[8].

208. When the expenditures of all levels of government, i.e., federal, provincial, territorial and municipal, are taken into account, total social security expenditures for 1998-1999 amounted to $156.6 billion, that is 17.4 percent of gross domestic product. For 1994-1995, those expenditures amounted to $147.8 billion, that is 19.4 percent of the gross domestic product.[9]

209. As of the end of March 1999, 2.3 million people — about 7.5 percent of the population — were receiving provincial or territorial social assistance benefits funded in part by the Canada Health and Social Transfer. Because of ongoing solid economic growth during the late 1990s and a series of significant provincial welfare reforms, this figure is considerably lower than in March 1995 when 3.1 million people — about 10.4 percent of the population — received social assistance benefits.

210. The Government of Canada is working to replace the welfare system for First Nations people living on a reserve by a more dynamic and progressive system. The Royal Commission on Aboriginal Peoples (RCAP) spoke of the need for reform and made numerous recommendations to that effect. The joint Assembly of First Nations/Indian and Northern Affairs Canada Income Security Reform initiative began in April 1998 and

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[8] A breakdown of expenditures for each sector is not available; therefore, this amount includes expenditures for post-secondary education. The CHST is made up of a combination of cash and tax point transfers. The 1998-1999 total does not include the $3.5-billion CHST supplement for health.

[9] Data for 1998-1999 are not available for provincial welfare and Workers' Compensation expenditures. Amounts are based on 1997-1998 totals.

consists of two key implementation strategies: demonstration projects/best practices and the development of a redesigned policy framework.

211. Demonstration projects have been undertaken to explore innovative approaches for the delivery of social assistance programs, build capacity to develop and administer social assistance programs and identify barriers that exist for the delivery of effective, efficient social assistance programs. The demonstration projects and best practices are community driven and look more at community-level needs and concerns. At the end of the period covered by this report, 148 income security reform demonstration projects involving 398 First Nations communities were underway.

212. In 1992, the Government of Canada launched the Self-Sufficiency Project (SSP). The SSP is a research initiative that seeks to generate knowledge on "what works" in facilitating labour market attachment, reducing poverty and promoting self-sufficiency. It is targeted to lone parents with long-term dependency on social assistance. The SSP offered lone parents in New Brunswick and British Columbia a generous earnings supplement if they left social assistance and obtained full-time employment. Over time, it tracked the experiences of participants in order to test the effectiveness of the earnings supplement.

213. By international standards, SSP results are among the best ever for this type of project and for this group. At its peak, the SSP doubled the employment rate for participants relative to non-participants. While participants' employment rate gradually increased to the same level as the non-participants (after 45 months), the SSP allowed participants to enter the workforce faster and earlier than non-participants. Even after participants stopped receiving the supplement, they maintained the same employment rate. The SSP also lowered the incidence of poverty and decreased the receipt of social assistance for more than five years.

Family allowances

Canada Child Tax Benefit (CCTB)

214. In July 1998, the federal government renamed the previous Child Tax Benefit as the Canada Child Tax Benefit (CCTB). The CCTB includes both the federal component of the National Child Benefit (NCB) (described below) and the CCTB base benefit. The CCTB base benefit is broader than the NCB Supplement in that it provides monthly tax-free basic income support to approximately 80 percent of Canadian families with children. In 1999-2000, this represented an annual federal expenditure of $4.6 billion. Approximately 3.1 million families received the CCTB over this period on behalf of 5.3 million children.

215. As of July 1999, families with net family income up to $25,921 receive a CCTB basic benefit of $1,020 per child per year, plus an additional $75 for the third and each subsequent child in the family, and a further supplement of $213 for each child under the age of seven for whom no child care expenses have been claimed. The CCTB base

benefit begins to be reduced once net family income exceeds $25,921. The CCTB base benefit is exhausted at an annual net family income of $66,721 for one- and two-child families.

National Child Benefit Supplement

216. The federal government has taken a number of steps to build the federal component of the National Child Benefit (NCB), i.e. the NCB Supplement. For example, in 1997, the Working Income Supplement was enriched and restructured, paving the way for its replacement by the NCB Supplement as of July 1998. The initial launch of the NCB Supplement, which built on previous funding of the Working Income Supplement, represented an annual federal investment of $850 million. As of July 1999, the NCB Supplement was enriched by an additional annual $425 million, which allowed benefit levels to increase. The benefit was also extended over a broader range of family income so that more families have access to the benefit.

217. The NCB Supplement provides the following benefit levels for low-income families with children. As of July 1999, maximum annual benefits were $785 for the first child, $585 for the second child, and $510 for the third and subsequent children. The NCB Supplement provided these maximum annual benefit levels to all low-income families with net family incomes of less than $20,921. NCB Supplement benefits were exhausted at net family income of $27,750. No minimum level of earnings is necessary to be eligible for the NCB Supplement — as was the case for the previous Working Income Supplement. Between July 1998 and June 1999, 1.4 million Canadian families with 2.5 million children received additional income support through the NCB Supplement. Between July 1999 and June 2000, 1.5 million Canadian families with 2.6 million children received additional benefits from the NCB Supplement.

218. Under the NCB, this enriched federal income support is enabling provinces and territories to redirect some of their social assistance resources towards improving benefits and services for low-income families with children. In addition, most jurisdictions are adding new funds, beyond their social assistance savings, so that federal investments to the NCB Supplement are being complemented by additional provincial/territorial investments. For example, in 1998-1999, provinces, territories and First Nations invested over $50 million, which in turn built on significant prior investments to support low-income families with children that were made by several provinces and territories before the launch of the NCB. In 1999-2000, provinces, territories and First Nations anticipated their investments in the NCB to reach $80 million.

219. The range of benefits and services that provinces, territories and First Nations are providing to low-income families with children varies according to the needs and priorities of each region. There are four broad program areas in which key benefits and services are being provided: child benefits and earned income supplements; child day care; early childhood services and children-at-risk services; and supplementary health benefits.

Old Age Security

220. The Old Age Security (OAS) system remains basically the same as described in Canada's First Report on articles 6-9 of the Covenant (pp. 53-54).[10]

221. Since 1989, higher-income recipients of Old Age Security program benefits are required to repay the benefits received in part or in total depending on their income for tax purposes. Thus, for the year 2000, pensioners started to repay benefits when their net income during the year reached $53,960. At $60,000 annual net income, the percentage of repayment is approximately 20 percent; at $70,000, it is approximately 50 percent; and at $80,000, it is about 80 percent. Pensioners who had a net income of approximately $87,500 in 2000, will repay the totality of benefits received. As of the federal budget 2000, the OAS reduction threshold is now fully indexed to inflation.

222. The part of the OAS pension that is not repaid is taxable. The income-tested Guaranteed Income Supplement (GIS) and the Spouse's Allowance are not taxable; the amount paid is based on the yearly income of the applicant or, in the case of a couple, the combined income of the applicant and spouse from other sources.

223. As of September 2000, the maximum monthly OAS benefit was $424.12. The maximum GIS payment for a single recipient was $504.05 per month while the maximum for each partner in a couple was $328.32. The maximum Allowance for the spouse or partner of an OAS/GIS recipient was $752.44 per month while the maximum for widow(er)s was $830.70. Total benefits under these programs are estimated at $24.2 billion for 2000-2001.

224. In June 2000, over 3.7 million people, virtually everyone aged 65 and over in Canada, received Old Age Security benefits. Of these people, 36.6 percent received Guaranteed Income Supplement payments. The proportion of the senior population receiving GIS has declined over the last 15 years. The main reasons for the decline are the increased incidence of full Canada Pension Plan benefits and higher personal income from other sources among newer cohorts of seniors.

Canada Pension Plan

225. Canada Pension Plan (CPP) is a contributory, earnings-related social insurance program which ensures a measure of protection to Canadian workers and their families against the loss of income due to retirement, disability and death. It operates throughout Canada except in Québec which has its own, similar program, the Québec Pension Plan. The Plan is financed by contributions from employees, employers and the self-employed, as well as earnings on investment of surplus funds. Benefits are subject to income tax and ongoing payments are adjusted annually based on increases in the Consumer Price Index.

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[10] The Old Age Security system comprises three elements: an Old Age Security pension, a Guaranteed Income Supplement and a Spouse's Allowance.

226. The CPP provides for retirement pensions as early as age 60, although those who choose to receive the pension before age 65 receive lower monthly benefits. It also pays benefits to disabled contributors, and their children, and provides survivor benefits to spouses and children as well as lump-sum death benefits.

227. In March 2000, just under 3.5 million persons were receiving benefits from the Canada Pension Plan. The total amount to be paid under the CPP is estimated at $19.6 billion for 2000-2001.

228. The Government of Canada worked with the provinces and territories in the 1990s to find ways of ensuring that the CPP would be sustainable for future generations. Both levels of governments agreed in 1997 on a strong and balanced package of reform. This resulted in Parliament enacting Bill C-2 in January 1998, which amended the Canada Pension Plan. Major changes were made to strengthen the Plan's financing, improve the investment practices, and moderate the growth in costs. These changes will result in a much larger reserve fund, projected to rise from two years to about five years of benefits between 2000 and 2017. This fund is invested at arm's length from government by an independent body known as the Canada Pension Plan Investment Board. Contribution rates — shared equally between employer and employee — rose over six years from 5.85 percent of contributory earnings to 9.9 percent in 2003, and will remain at that level.

229. The Canada Pension Plan is governed by a joint stewardship to ensure the long-term financial sustainability of the Plan. In this context, legislative changes, as well as changes to regulations relating to the schedule of contribution rates and the calculation of the steady state contribution rate, require the agreement of at least two-thirds of the provinces with two-thirds of the population.

Employment Insurance Program

Employment Insurance

230. As a result of reforms introduced in 1996, the Employment Insurance (EI) system better responds to Canada's new economic and workplace realities. Under the new system, there is a stronger link between the amount of paid work done and the length of time the benefits can be received. The reforms were an effort to influence the work patterns of Canadians by improving incentives to work and reducing dependency on the system. The Family Supplement was introduced to provide a top-up to claimants in low-income families with children, in recognition of their particular needs during periods of temporary unemployment. This move was accompanied by an increased emphasis on active measures to help Canadians get back to work. The major elements of the 1996 reforms that brought into place the Employment Insurance Program were detailed in the last report. Considerable progress has been made in achieving the goals of the EI reform.

231. The hours-based eligibility system is opening up access to benefits and encouraging workers to work for longer periods. Part-time workers who work fewer than 15 hours per week became insured for the first time. Furthermore, a reduction in claims by those just

meeting the entrance requirement suggests the divisor rule and the hours-based system are encouraging workers to increase the length of time they work prior to collecting benefits.

232. Benefits are being targeted to those most in need. Claimants in low-income families with children can receive a higher benefit rate with the Family Supplement. With the top-up recipients can receive up to 80 percent of their average insurable earnings.

233. Active re-employment measures are helping more unemployed workers return to work through: long-term interventions such as Self-Employment; Targeted Wage Subsidies and Job Creation Partnerships; and short-term interventions such as Employment Assistance Services, Counselling and Group Services.

234. In 1998-1999, $2.5 billion was spent on 641,000 interventions. The introduction of Skills Development Benefits and the Labour Market Development Agreements with the provinces and territories has resulted in the better tailoring of programs to client and local labour market needs.

235. The premium rate for the Employment Insurance program has been reduced every year since the last report. For the employee this meant a reduction to $2.70 in 1998 and $2.55 in 1999, to reach the rate of $2.40 per $100 of insurable earnings in 2000. For the employer the premium rate in 2000 is $3.36. Under a current legislative proposal (Bill C-44 detailed below) the premium rate would be reduced to $2.25 for 2001. In addition, the Standing Committee on Finance of the House of Commons recommended in December 1999 that the premium rate setting process be reviewed. This review should be completed in time to set the 2003 rate level. Premiums are paid on all weekly earnings up to the yearly maximum of $39,000.

236. The Maximum Insurable Earnings (MIE) level of $39,000 is about 20 percent higher than the average wage ($32,400). To avoid creating disincentives to work, Bill C-44 also proposes maintaining the MIE at $39,000 until the average wage reaches this level.

237. Following the 1996 program changes, there was no decline in maternity and parental claims. In fact, despite a declining birth rate, maternity and parental claims have been increasing. Changes to special benefits (maternity, parental and sickness) are detailed in the Maternity and Parental Protection section of this report under Article 10.

238. The decline in the Benefit to Unemployed ratio (B/U ratio) is part of a trend that has been under way since 1989 — long before the reforms were introduced. In fact, the 1999 Employment Coverage Survey by Statistics Canada found that only half the decline could be attributed to program changes. The study also suggests that, in 1998, 80 percent of unemployed Canadians who lost their jobs, or quit with just cause, were eligible for EI. It should also be noted that regular claimants use on average only about two-thirds of their entitlement.

Research

239. The Government of Canada has funded research on current policies and women's poverty. Through Status of Women Canada's Policy Research Fund, funding has been provided to a number of research projects studying the issue of women's poverty.

240. The Policy Research Fund of Status of Women Canada published papers under the theme "The Canada Health And Social Transfer And Its Impacts On Women" in June 1996. Publications included: *Women and the CHST: A Profile of Women Receiving Social Assistance in 1994; Benefiting Canada's Children: Perspectives on Gender and Social Responsibility; The Impact of Block Funding on Women with Disabilities; Women's Support, Women's Work: Child Care in an Era of Deficit Reduction, Devolution, Downsizing and Deregulation; Women and the Equality Deficit: The Impact of Restructuring Canada's Social Programs; Who will be Responsible for Providing Care? The Impact of the Shift to Ambulatory Care and of Social Economy Policies on Québec Women.*

241. In August 1998, the theme "The Intersection Of Gender And Sexual Orientation: The Implications Of Policy Changes For Women In Lesbian Relationships" examined how same-sex couples benefit from social programs. Examples of research includes *The Recognition of Lesbian Couples: An Unequivocal Right*; and *The Impact of Relationship Recognition on Lesbian Women in Canada: Still Separate and Only Somewhat Equivalent* are two papers sponsored by the Policy Research Fund. (Some of these papers are still in progress and not all titles are finalized).

Article 10: Protection of the Family, Mother and Child

242. Most of the relevant information regarding article 10 of the Covenant has been provided in earlier reports. Information can also be found in Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women* (http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw_e.cfm) and Canada's Second Report on the *Convention on the Rights of the Child* (http://www.pch.gc.ca/progs/pdp-hrp/docs/crc_e.cfm).

Taxes and the family

243. Canada's personal income tax system uses the individual as the basic unit of taxation; there is no provision for joint filing and married and common-law couples file individually.

244. The term "family" is not used in the *Income Tax Act*, with a very limited exception.[11] However, there are a number of provisions in the *Income Tax Act* that recognize dependent relationships. For example, there is a spousal credit which can be claimed by a taxpayer supporting a spouse or common-law partner with little or no income of their

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[11] Section 143(4) of the *Income Tax Act* defines "family" for the purposes of dividing income among members of a communal organization.

own. There are a number of tax credits which, if not fully used by a taxpayer, can be transferred to their spouse or common-law partner. Spouses and common-law partners may also pool medical expenses and charitable donations for tax credit purposes.

Maternity and parental protection

245. Statistics Canada (1999) studies indicate that about 85 percent of mothers with paid employment are covered by maternity benefits. Administrative data indicates that the number of women receiving maternity benefits has increased by 0.4 percent in 1998, despite a 4.6 percent decline in the number of births in Canada since the 1996 reform.

246. The Government of Canada recognizes that claimants in low-income families may need additional support. Through the Family Supplement, claimants in low-income families with children can receive up to 80 percent of their insurable earnings during the time they are on maternity and parental leave. In 1998, about 22 percent of maternity and parental claimants, most of which are women, received the Family Supplement top-up.

247. The *Canada Labour Code* has been amended so that the period for job protection under the parental leave provision will correspond to the extended Employment Insurance parental benefits, as a result of an increase in parental benefits under the *Employment Insurance Act*, the parental leave in Part III of the *Canada Labour Code* increases from 24 to 37 weeks. The total of maternity and parental leave provided under Part III of the Code will be a maximum of 52 weeks.

248. Part III of the Canada Labour Code dealing with labour standards, contains provisions pertaining to maternity-related reassignment and leave, whereby an employee who is pregnant or nursing may, during the period from the beginning of the pregnancy to the end of the twenty-fourth week following the birth, request the employer to modify her job functions or reassign her to another job if, by reason of the pregnancy or nursing, continuing any of her current job functions may pose a risk to her health or to that of the foetus or child. When such an employee is reassigned to another job, or where her job functions are modified, she shall be deemed to continue to hold the job that she held at the time of making the request, and she shall continue to receive the same wages and benefits. In cases where it is not reasonably practicable for the employer to modify the employee's job functions or reassign her, the employee will be granted an unpaid leave of absence for the duration of the risk as indicated in the medical certificate.

Family reunification

249. Relevant information is included in Canada's Second Report on the *Convention on the Rights of the Child* (http://pch.gc.ca/progs/pdp-hrp/docs/crc_e.cfm).

Protection and assistance to children and youth

Child support

250. Information about the general reform of child support measures is found under article 15 of Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women* (http://pch.gc.ca/progs/pdp-hrp/docs/cedaw_e.cfm).

251. Provincial and territorial laws determine the age of majority. The age of majority is 18 in six provinces and is 19 in the four other provinces and the three territories.

Childcare

252. In addition to new investments through the Early Childhood Development Agreement, the Government of Canada supports early childhood learning and care through a special funding stream under the Social Development Partnerships Program, formerly the Child Care Visions Program. The Child Care Visions Program was created in 1995 as a national childcare research and development contribution program. Its primary objective has been to support research and development projects that will study the adequacy, outcomes and cost-effectiveness of current best child care practices and service delivery models. The program has solicited projects that are innovative and national in scope, and provides essential information, tools and resources to child care providers, governments, policy makers, national child care organizations, parents and families.

253. The First Nations/Inuit Child Care Program (FNICC) was introduced in 1995, to provide First Nations and Inuit communities with improved access to affordable, quality child care, with the goal that they would have similar access to that available to other Canadian children. The program has created over 7,000 child care spaces on reserve and in Inuit communities. The program is managed and delivered by First Nations and Inuit peoples through the Aboriginal Human Resource Development Strategy with $41 million per year in funding from the Government of Canada.

254. The Government of Canada continues to help parents off-set the cost of child care through the Child Care Expense Deduction. The 1998 budget increased the Child Care Expense Deduction in the personal income tax system to $7,000 for children under age seven and to $4,000 for children age 7 to 16 and to $10,000 for children with severe disabilities.

Youth employment

255. Information on youth employment can be found in Canada's Second Report on the *Convention on the Rights of the Child* (http://pch.gc.ca/progs/pdp-hrp/docs/crc_e.cfm).

Divorce

256. In Canada, divorce legislation allows for child support to be paid for children at or over the age of majority. The child must be unable, by reason of illness, disability or other cause, to withdraw from the parents' charge or to obtain the necessaries of life. Over the years, the courts have ruled that "other cause" may include secondary or post-secondary studies.

257. The government of Canada has a long-standing commitment to children, in particular to children whose families are undergoing separation or divorce. In 1997, the government took a huge step in reforming family law by introducing child support reforms . The fundamental objective of these amendments was to protect the rights of children to fair and adequate support from parents in full and on time. The reforms were accompanied by financial resources made available to the provinces and territories to assist them in providing services to families living through a separation or divorce.

258. This reform has been a solid success. Twelve of the 13 provinces and territories brought in similar child support reforms shortly following the coming into effect of the federal legislation. The new child support guidelines have brought about fair, consistent and predictable amounts of support across the country for children whose parents are separated or divorced and additional efforts are being made to ensure they receive that support in full and on time. This step in family law reform involved, among other things, extensive work with the Canadian provinces and territories given that family law is governed by laws at the federal, provincial and territorial levels.

259. In a concerted effort to find ways to continue to advance the well being of children experiencing separation and divorce, custody and access reforms are now contemplated.

260. Federal, provincial and territorial governments share a vision of integrated, efficient and comprehensive justice systems that enables parents to acquire abilities to put the children's best interests first and foremost. This renewed justice system will reduce the human, social and economic costs of divorce and separation, thus strengthening families in transition and reducing children's vulnerability.

Immigrants and refugees

261. The settlement programs of Citizenship and Immigration Canada (CIC) are directed at the individual needs of the whole family. Measures have been taken to ensure access in particular to female newcomers. The *Immigrant Settlement and Adaptation Program* (ISAP) provides services to all family members, including children, to meet the immediate needs of immigrants and refugees. Citizenship and Immigration Canada's *Language Instruction for Newcomers to Canada* (LINC) Program has included a child minding component since its inception in order to encourage the participation of women. Flexible hours of instruction and a transportation allowance are also available. Specific activities during the reporting period demonstrate further progress in this area. Although no national criteria on child minding services currently exists for LINC, in March of

1995, CIC's Ontario Region undertook a survey to identify issues affecting the provision of child minding services. The response to this survey was overwhelming and identified a number of issues for consideration. A child minding resource guide for Ontario Region was developed as a result to provide guidance in setting up and operating an effective program. National guidelines are now being developed as a result of this initiative.

Research

262. Research helps policy makers decide which policies and programs best support children and their families. The Government of Canada is actively engaged in a number of targeted research initiatives. The National Longitudinal Survey of Children and Youth is a long-term study of Canadian children that tracks their development and well-being from birth to early adulthood. The survey collects information about factors (family, friends, schools and communities) influencing a child's physical, behavioural and learning development. This forms the basis of a directed policy-oriented research program.

263. At the community level, Understanding the Early Years is a research initiative that focuses on children under the age of six and involves teachers, parents, guardians and community agencies. It helps communities understand how their children are doing and how best to respond to their needs. With this information, communities can put in place specific action plans that will help their children — both before and after they enter school — to reach their full potential.

Family violence and violence against women

264. In recent years, the Family Violence Initiative (FVI) has enhanced the efforts of the Government of Canada by developing a horizontal management approach to the issue of family violence. Its Accountability Framework specifies expected results in five key areas: 1) effective, efficient and coordinated federal policy development and programming; 2) enhanced prevention and response; 3) development of related community activities; 4) increased public awareness; and 5) reduced tolerance of the issue among Canadians.

265. The Initiative integrates activities of 12 federal government departments, agencies and corporations. The major sectors represented are health, justice, federal policing and corrections, housing, human resources, national data gathering, Aboriginal affairs, women's issues, multiculturalism and immigration. The Initiative thereby includes virtually all key federal government policy sectors that have an influence on family violence. As well, various FVI projects involve partnerships with other levels of government, First Nations, NGOs, professional associations, universities and the private sector.

266. Health Canada, as lead department responsible for coordinating the Initiative, manages the National Clearinghouse on Family Violence (NCFV) on behalf of all participating Departments. The NCFV collects, develops and disseminates information and resources on violence in relationships of kinship, intimacy, dependency or trust. It provides a

centralized and comprehensive reference, referral and distribution service for information on aspects of family violence prevention, protection and treatment. NCFV clients include researchers, health and social service providers, criminal justice officials, students and educators, policy makers, media representatives and members of community groups and the general public.

267. NCFV resources and services, available free of charge in both English and French, include:

- more than 100 publications, including overview papers, reports, discussion papers and handbooks on family violence issues;
- a descriptive listing of more than 100 videos on family violence prevention available from partner public libraries in collaboration with the National Film Board of Canada;
- a referral service and directory of resource people and organizations responding to family violence at the community level across Canada;
- a comprehensive library reference collection and capacity for on-line bibliographic searching of approximately 10,000 books, periodicals and videos on family violence; and
- a Web site featuring hundreds of links to other organizations, a link to the NCFV library reference collection, an intelligent search engine and a wide selection of resources available for viewing, printing and downloading.

268. As a result of the NCFV's successful partnerships with professionals and community-based organizations, Canadian communities now have access to hundreds of new resources for public education and improved approaches to treatment, prevention, training and multi-sectoral coordination.

269. In partnership with Statistics Canada and other federal departments, Health Canada collaborated on the development and implementation of the 1999 General Social Survey Victimization Report which provides policymakers, researchers and other stakeholders with evidence-based information on spousal violence and abuse of older adults to be used in the development of policies and programs addressing the prevention of family violence.

270. In partnership with Justice Canada and the health sector, Health Canada released three handbooks to educate and train health professionals to respond more effectively to abused women and their children and to deal with the Canadian criminal justice system. These resources are promoted and disseminated to various stakeholders across Canada through the National Clearinghouse on Family Violence.

271. The Policy Research Fund (PRF) of Status of Women Canada produced two research papers in 1997: *Spousal Violence in Custody and Access Disputes: Recommendations for Reform*; and *Relocation of Custodial Parents*.

International cooperation

272. Given their disproportionate representation among the world's poor and the long-term impact of poverty on them, children are a priority focus within the Canadian International Development Agency (CIDA). The child protection component of the Social Development Priorities focusses exclusively on the most marginalized children who often experience exploitation, abuse and discrimination. These children include child labourers, children affected by armed conflict, sexually exploited children, children with disabilities, street children, children facing ethnic or religious discrimination, and children in conflict with the law or in institutional care. In 1999-2000, resources allocated to child protection amounted to $9 million. The Action Plan on Child Protection commits CIDA to increasing this amount to $36 million by 2004-2005.

Article 11: Right to an Adequate Standard of Living

Canadians' current standard of living

273. From 1994 to 1999, Canada provided the best living standard in the world. Indeed, in this period, Canada was ranked first on the Human Development Index (HDI) of the United Nations Development Program (UNDP). Having so frequently been ranked first on the HDI over the past decade does nothing to lessen Canada's determination to maintain its standing. This is a notable achievement, but continued efforts are necessary to ensure a high quality of life. The UNDP Human Poverty Index ranks Canada 10th among industrialized countries. The Government of Canada is aware of the challenges that have to be met to ensure that all its people have a decent quality living standard, and especially Aboriginal people, women, single parents, children, youth, persons with disabilities, immigrants and rural residents. In 1995, 13.1 percent of the total Canadian population lived below the low-income line.

Measures to reduce poverty in Canada

274. The measures and initiatives of the Government of Canada to reduce poverty are outlined in the following three reports: *Implementation of the decisions made at the World Summit for Social Development, Canada's Response* (http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/summit-en.asp); *Implementation of the measures adopted by the Second United Nations Conference on Human Settlements* (Habitat II) (http://cmhc-schl.gc.ca/en/homadoin/faffhoinca_001.cfm); and *Canada's Action Plan for Food Security* (http://www.agr.gc.ca/misb/fsb/fsb-bsa_e.php). Most of the Government of Canada's poverty reduction initiatives take the gender variable into account in their preliminary reviews.

275. Canada has no official poverty measure. The most common measure of low income in Canada is Statistics Canada's Low-Income Cut-Offs (LICOs). In the absence of an accepted definition of poverty, these statistics are often used to study the characteristics of the relatively worst off families in Canada. However, Statistics Canada has consistently maintained that LICOs are not a measure of poverty. LICOs define a low-

income household as one that spends significantly more of its income than an average equivalent household on the necessities of life (food, shelter and clothing) — and thus has much lower absolute and relative discretionary income than the norm. The LICO line is calculated by adding 20 percent to the spending of an average equivalent household on food, clothing and shelter. Currently, the average household spends about 35 percent of income on these items, so a low income household is one that spends more than 55 percent. The LICOs, however, are recognized as having several shortcomings as a tool to measure poverty.

276. As a result, federal, provincial and territorial Ministers of Social Services called for the development of a new measure — the Market Basket Measure (MBM). Under the MBM, the low-income threshold line would be based on the income needed to purchase a basket of goods and services, which includes food, clothing, shelter, transportation and other necessary expenditures (e.g. telephone). This measure is an attempt to calculate the income needed by a given household to meet its needs, defined not just in subsistence terms, but also in terms of what is needed to approach community norms. These income levels are based on the actual costs of an essential basket of goods and services in various communities across Canada and account more precisely for differences in living costs across Canada. The measure will identify how many people live in households that fall below a defined standard of living. The Market Basket Measure should provide a valuable complement to existing measures in tracking low income.

277. In Canada, the rate of low income is declining in response to strong economic growth. An estimated 723,000 families had low incomes in 1999 (the latest data available), down from 882,000 in 1997. The family low-income rate also declined, from 10.8 percent in 1996 to 8.6 percent in 1999, the lowest rate for economic families of two or more persons since 1990 (8.5 percent). The financial situation of families with incomes below Statistics Canada's post-income tax low income cut-offs also improved slightly between 1996 and 1999.

278. The Government of Canada is committed to a high and rising quality of life for all Canadians. In addition to the Canadian Health and Social Transfer (CHST) described earlier in this report, the federal government offers a number of tax and transfer programs to assist low-income persons. Some of these measures are targeted towards specific groups such as senior citizens, children, persons with disabilities, Aboriginal people, etc. Two key measures delivered through the tax system which provide payments to low- and middle-income families and individuals are the Canada Child Tax Benefit, which includes the National Child Benefit supplement, and the Goods and Services Tax credit.

279. The Government of Canada also assists groups at greatest risk of falling into poverty through such programs as the Community Action Program for Children; Youth Internship Canada; Youth Service Canada; the Aboriginal Human Resources Development Strategy, the Canada Child Tax Benefit, and the First Nations National Child Benefit.

Aboriginal people

280. First Nations, Inuit and Innu communities in partnership with Department of Indian and Northern Affairs Canada (INAC) are endeavouring to improve economic and social conditions in ways that will make a real difference in First Nations, Inuit and Innu peoples' lives. By the end of 1999, First Nations were delivering almost all social and economic programs funded by INAC. About 86 percent of Indian and Inuit Programming funds go directly to First Nations and their organizations, primarily for basic services such as education, social services, community infrastructure and local government — services that other Canadians receive from their provincial, municipal or territorial governments.

281. Under the Federal/Provincial/Territorial Partnership Fund, a total of 13 projects valued at $18.85 million had been approved during 1999. Also in 1999, a total of $12.5 million supported 181 business projects under the Economic Development Opportunity Fund and the Resource Acquisition Initiative, resulting in the creation of 957 full-time and 494 part-time direct jobs. More than 12,500 reserve land leases, permits and licences were processed and registered during the fiscal year, the majority of which directly support First Nations economic development activities.

282. The Procurement Strategy for Aboriginal Business has produced contracts with a total value of $75 million that have helped to start up 300 Aboriginal enterprises and stimulate job creation.

283. The Young Entrepreneurs Micro-loan Program, in conjunction with the Association of Aboriginal Capital Corporations, helps facilitate access to loan and investment capital.

284. Industry Canada, regional agencies and Department of Indian and Northern Affairs Canada (INAC) are working in partnership with the Aboriginal private sector and other stakeholders to foster innovation, market expansion, access to capital and information about businesses and services.

285. Forums on business partnerships like "Business at the Summit" in British Columbia, Ontario's Forum on Economic Renewal and the Joint Economic Development Initiative in New Brunswick promote co-operation and partnership between the private sector and Aboriginal governments in the area of Aboriginal economic development.

286. As part of a round table on financial services attended by representatives of the federal government, the Canadian Bankers Association and various financial institutions, ways were identified of facilitating access to commercial loans on reserves.

287. In April 1998, INAC's Ontario regional office and the Canadian Council for Aboriginal Business organized a joint conference on economic renewal that got results.

288. The Fishing Licence Transfer Program is expanding opportunities for Aboriginals to work in the commercial fishery. In the Atlantic Canada region, a number of licence series have been retired and reissued to Aboriginal communities.

289. The Resource Access Negotiations Program of the Department of Indian and Northern Affairs more than doubled to reach $4.8 million in 1998-1999, thus offering more economic benefits for Aboriginal communities.

290. In November 1998, some Métis leaders joined a large Canadian delegation to take part in a trade mission featuring natural resources.

291. The First Nations SchoolNet Program of Industry Canada works in partnership with the Assembly of First Nations and Canada's major telephone companies to prevent the digital divide. By providing First Nations schools and communities with leading-edge technology and equipment that provide high-speed access to the Internet, the Program allows Aboriginal people to fully participate in the new economy and gives them the opportunity to be at the forefront of new technology usage.

Right to adequate food

292. The Government of Canada supports a wide spectrum of international organizations, thousands of community groups and Canadian volunteer agencies in order to help with concerted efforts to end hunger in the world. As a major exporter of food, related products and know-how and one of the world's major food aid donour countries, Canada has made very valuable contributions to worldwide food security.

293. Canada ranks high among nations in average income levels and per capita food supplies and among the lowest in the real cost of food and the share of incomes spent on food. As such, the vast majority of Canada's 31 million people is food secure; however Canada is not shielded from the problem of food insecurity. Although the majority of Canadians are safe from hunger, some groups may be exposed to it more than others, as demonstrated by some quantitative studies on the use of food banks, poverty and dietary intakes.

Canada's Action Plan for Food Security

294. Canada has developed an Action Plan for Food Security in response to the World Food Summit (WFS) commitment made by the international community to reduce by half, the number of undernourished people by 2015 (http://www.agr.gc.ca/misb/fsb/fsb-bsa_e.php). It is the result of extensive consultations between various levels of government, civil society and private sector representatives. The priorities for Canadian actions were established collectively under the coordination of a Joint Consultative Group. Canada's Action Plan encompasses both domestic and international actions. It addresses the seven commitments of the WFS Plan of Action and provides the framework to sustain an on-going effort to improve food security within Canada and abroad.

295. The responsibility for monitoring the implementation of the Action Plan rests with the Food Security Bureau of Agriculture and Agri-Food Canada (AAFC). The Bureau coordinates information on food security, monitors implementation of the Action Plan, and reports on progress to the Committee on World Food Security. It is also responsible for facilitating contact between Canadian stakeholders that are making efforts to further the cause of food security.

296. A Consultative Group on Food Security has been established involving representatives of interested federal, provincial and territorial departments and agencies, and some 30 non-governmental organizations involved in food security at both the domestic and international levels, to fulfill this mandate. In addition, an inter-active "Report Form" was established on the Food Security Bureau's Web site to facilitate the submission of input by organizations into the development of Canada's Progress Report.

297. Canada's Progress Report, prepared in 1999, includes the following in relation to the right to food: "Canada supports the need to clarify the meaning and content of the right to food, as stated in the International Covenant on Economic, Social and Cultural Rights and continues to support and work with the international community and governments in this area" (http://www.agr.gc.ca/misb/fsb/fsb-bsa_e.php).

298. Canadian civil society has taken an active role in trying to clarify and determine how to respect, protect and fulfil the right to food. The Canadian Foodgrains Bank, for example, participated in a Santa Barbara Consultation, in February-March 1998, to review the merits of the various approaches to achieving commitment to the "right to food." It promoted the adoption of the International Code of Conduct on the Human Right to Adequate Food and achieved NGO consensus on this approach. The Canadian Foodgrains Bank is also working in cooperation with FIAN-International (Food First Information and Action Network, based in Germany) on the development of a short form version of the Code of Conduct.

Nutrition

299. In response to the World Declaration on Nutrition (World Health Organization and Agriculture Organization, 1992), Health Canada established a Joint Steering Committee to prepare a national nutritional plan. Released in 1996, *Nutrition for Health: An Agenda for Action*, builds on the population health model and sets out four strategic directions to address nutrition issues in Canada, specifically: (i) reinforce healthy eating practices; (ii) support nutritionally vulnerable populations; (iii) continue to enhance the availability of foods that support healthy eating; and (iv) support nutrition research. The action plan encourages policy and program development that is coordinated, multisectoral, supports new and existing partnerships, promotes efficient use of limited resources and strengthens research to improve the nutritional health of Canadians.

300. Health Canada promotes the nutritional health and well-being of Canadians by collaboratively defining, promoting and implementing evidence-based nutrition policies and standards, including nutrition recommendations and dietary guidelines. These

include: Canada's Food Guide to Healthy Eating; *Canada's Food Guide to Healthy Eating — Focus on Children Six to Twelve Years*; *Canada's Food Guide to Healthy Eating — Focus on Preschoolers*; *Nutrition for a Healthy Pregnancy — National Guidelines for the Childbearing Years, and Nutrition for Healthy Term Infants.* These underpin nutrition policies, standards, education programs and meal planning initiatives across the country.

301. Provinces and territories play a critical role in promoting the nutritional health and well-being at the community level. Nutrition policies and programs at the provincial and local level are designed to address specific local needs while mobilizing broader community participation and resources in support of health promotion/prevention activities. Programs vary from province to province and between communities. Many of these nutrition programs build upon standards and guidelines developed collaboratively at the national level, such as Canada's Food Guide to Health Eating.

302. Health Canada provides leadership and coordination to the Federal, Provincial, Territorial Group on Nutrition (FPTGN). This group is critical to collaborative action on nutrition and healthy eating in Canada. The FPTGN brings together the ministries of health at the provincial and territorial working level to inform policy and programs.

303. In the mid-1990s, Canadian and American scientists began working together to establish the Dietary Reference Intakes (DRIs), through a review process overseen by the US Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences. Health Canada will use the DRIs in a variety of policies and programs that benefit the health and safety of Canadians. The DRIs will influence the development of regulatory standards, assessment of dietary intakes, and the development of dietary guidance for the general population and for specific life stages.

304. Throughout the 1990s, Health Canada, in collaboration with provinces, played a key role in provincial nutrition surveys. In 1999, Health Canada established the Food and Nutrition Surveillance System (FNSS) Working Group to advocate for inclusion of nutrition and physical measures in ongoing national population health surveys. As well, the Working Group advocates for a national food and nutrition surveillance system to address critical surveillance needs. Efforts of the FNSS Working Group have led to implementation of the first national nutrition survey in Canada in over 30 years, to commence in January 2004.

305. In 1999, a further investment was made to strengthen Health Canada's Food Safety and Nutrition Program. Health Canada is committed to developing food safety and nutrition standards and policies to safeguard and promote the health of Canadians. While the primary aim of this initiative is focussed on ensuring the safety of food, it will also support nutrition and healthy eating activities.

306. Health Canada is committed to developing and updating dietary guidance in a timely and efficient manner in response to the emergence of new issues and scientific evidence related to nutrition. In addition, Health Canada will develop public education initiatives

and resources to help Canadians make healthy food choices, for example, information on how to use the nutrition label on food products. These important initiatives will be undertaken through continued collaboration with provincial and territorial governments and other partners.

307. Some of the key actions relevant to food security include working with social policy decision makers to address the needs of vulnerable people, developing a database to better define the vulnerable populations and to better understand their food and nutrition issues, monitoring the cost of a nutritious food basket and using the information in the development of education programs and income support initiatives, and collaborating intersectorally to ensure food safety. This builds on commitments and actions that flow from current plans, such as Canada's nutrition plan *Nutrition for Health: An Agenda for Action* (1996); *Gathering Strength: Canada's Aboriginal Action Plan*; revisions to legislation, including the *Fisheries Act*; and Canada's evolving economic, social and environmental programs and policies.

308. In 1998, Health Canada developed *The National Nutritious Food Basket 1998* (NNFB) — a tool to assess the cost of healthy eating in communities across Canada. A number of provinces have either adopted or adapted this tool for their own use. The "Market Basket Measure" (MBM, described above), a defined basket of goods and services including food, is used to assess the adequacy of income. The MBM uses the NNFB and the Department of Indian Affairs and Northern Development's Alternative Northern Food Basket for this purpose.

Women and infants

309. The Canada Prenatal Nutrition Program (CPNP) is a comprehensive community-based program that supports pregnant women who face conditions of risk that threaten their health and the development of their babies. The Canada Prenatal Nutrition Program provides the resources for community-based groups to offer supports such as nutrition (food and/or vitamin/mineral supplements, nutrition counselling, food skills), knowledge and education (specialized counselling on prenatal health issues, breastfeeding and infant development), social support, and assistance with access to services (shelter, health care, specialized counselling). Participants in these projects are encouraged to modify unhealthy and high risk behaviours such as smoking, alcohol and other substance use. The Canada Prenatal Nutrition Program is especially designed to meet the needs of those pregnant women most at risk for poor birth outcome: women living in poverty, teens, women who use alcohol, tobacco or other harmful substances, women living in violent situations, Aboriginal women, recent immigrants, women living in social or geographic isolation or with limited access to services.

310. In 1999, Health Canada released *Nutrition for a Healthy Pregnancy — National Guidelines for the Childbearing Years.* These prenatal nutrition guidelines discuss nutrition and healthy eating not only during pregnancy but throughout the childbearing years as they relate to pregnancy. They are directed to health practitioners, including physicians, nurses, midwives, dietitians and nutritionists, pharmacists, educators and

fitness professionals, who, through the course of their work, regularly offer nutrition-related advice and guidance to women.

Aboriginal people

311. Many Aboriginal communities are located in remote areas, thereby increasing the challenges of access to a nutritious commercial food supply, while at the same time still enjoying access, although often reduced, to traditional hunted and gathered foods. Nutritious, commercial foods are costly due to the great distances they must be transported and also because of their level of perishability. These high food costs are in conflict with the high numbers of people living on limited incomes, e.g. social assistance. Traditional foods are highly nutritious; however, hunting pressures due to increased population, costs of hunting and the question of contamination of the wild foods put up barriers to this food supply.

312. Work has continued to refine and focus the Food Mail Program lead by the Department of Indian and Northern Affairs and supported by Health Canada, to subsidize the transport of the most nutritious foods into remote, isolated communities, thereby easing the cost of this component of the commercial food supply. At the same time, the First Nations and Inuit Component (FNIC) of the Canada Prenatal Nutrition Program (CPNP), provides nutritious foods, nutrition education and counseling and breast feeding support in Aboriginal communities to all First Nation and Inuit women. Particular focus of CPNP-First Nation and Inuit is to those most at risk, such as teens, single mothers, and women with addictions. As well, Health Canada continues its specific partnership with First Nations communities to study contaminants in the traditional food supply in order to determine if there are levels of risk and if so, design an appropriate strategy for the public.

313. Federal and territorial nutritionists and dietitians play a key role in the promotion and education of nutrition and healthy eating in First Nations and Inuit communities. With a growing understanding of the determinants of health, there is an increased awareness and focus on the factors that contribute to a well nourished population. Through a population health approach, along with individual supports, nutrition education and promotion is increasing. Intensive nutrition training of community health and social services workers, particularly through the First Nations and Inuit Component of the Canada Prenatal Nutrition Program (CPNP-FNIC) has been implemented. Access to nutritionists and dieticians has improved over the past five years and community workers are better trained in nutrition and food management.

314. Initial reports indicate that pregnant women and mothers participating in the CPNP-FNIC are more aware of healthy eating, are motivated to make positive nutritional changes, take advantage of the food supplementation, are more likely to initiate and continue breast-feeding and improve other aspects of their lifestyle, e.g. smoking cessation. A full evaluation of this program is scheduled to be completed in 2003.

315. In those communities using the Food Mail Program, a marked increase has been seen in the volumes of product covered under the Program, thereby indicating an increase in consumption of nutritious perishable foods; reporting indicates an improvement in the overall quality of nutritious perishable foods, and a consistency of more affordable pricing. Monitoring of pricing is done on a continuous basis to ensure that the subsidy is passed on to the consumer. There are some community pilot studies underway to further improve the effectiveness of the food mail program.

316. Since 1999, an Aboriginal Headstart Program has been implemented in First Nations communities to complement the Aboriginal Headstart Program delivered outside of First Nations communities. This program includes nutrition as one of its six priorities. A particular emphasis is given to nutritious meals within the Program; however, the overall focus of the nutrition component is to instill healthy eating practices and knowledge both with children and their families.

317. In 1999, the Federal government introduced the Canadian Diabetes Initiative, the Aboriginal Diabetes Initiative and a First Nations and Inuit Home and Community Care Program. Nutrition will play a role in both prevention and treatment management of diabetes. Through these initiatives and program nutrition promotion, prevention, treatment and support will be implemented, according to communities' needs.

318. The Fishing Licence Transfer Program increases opportunities for Aboriginal people to work in the commercial fishery. The Resource Access Negotiations Program of the Department of Indian and Northern Affairs has more than doubled to reach $4.8 million in 1998-1999, thus offering more economic benefits to Aboriginal communities.

319. Other key initiatives to support increased Aboriginal access to natural resource opportunities included the Resource Access Negotiations Program, which supports First Nation and Inuit negotiations to access and manage both on- and off-reserve resource opportunities, the Resource Acquisition Initiative, which supports resource sector and related business opportunities, including the acquisition of natural resource permits and licences, and the First Nation Forestry Program, created jointly by the departments of Indian and Northern Affairs Canada, Natural Resources Canada and First Nations to improve conditions in First Nations communities with full consideration of the principles of sustainable forest management.

International cooperation

320. Canada is working with other countries to create a climate favouring planetary food security. As the leader in providing Canada's Official Development Assistance (ODA), the Canadian International Development Agency (CIDA) supports programs in developing countries and countries in transition that attempt to provide technical assistance to the local and intermediate levels and thereby strengthen the macroeconomic infrastructure.

321. Canada is committed to supporting the food production and food security needs of its developing-country partners. Canada's approach to development cooperation on this issue has four cornerstones: 1) development and dissemination of sustainable production (technology) and marketing options which satisfy the personal needs of, and levels of technology practisable by, disadvantaged rural poor, including and especially women; 2) support for a policy environment in partner countries which is conducive to sustainable agricultural development and an appreciation for the strategic role which the section must play in the social and economic development of most developing countries; 3) support for the broad adoption of liberalized international trade arrangements for agricultural commodities; and 4) encouragement of broader Canadian participation in international agricultural development.

322. Canada continues to support the Consultative Group on International Agricultural Research (CGIAR). More integrated food security programming is being initiated in several bilateral international assistance programs, such as Ghana and Ethiopia. Household-level food security has also been incorporated into the Action Plan on Health and Nutrition under CIDA's Social Development Priorities.

323. The Government of Canada ratified the Declaration on World Food Security of the World Food Summit (WFS) held in Rome in November 1996 and the WFS Plan of Action. Specific information on this issue is found in Chapter III of Canada's Action Plan for Food Security already cited. Canada provides development assistance in the form of goods, services, the transfer of knowledge and skills, and financial contributions.

324. Canada participates fully in the Food and Agriculture Organization of the United Nations (FAO) Committee on Commodity Problems as well as the FAO Consultative Sub-Committee on Surplus Disposal (CSSD).

Right to adequate housing

325. Canadians are among the best housed people in the world. The vast majority live in comfortable dwellings that contribute to their quality of life. Although some Canadians experience housing needs, most of them have access to housing of acceptable size and quality at affordable prices.

Framework

326. The extensive framework of legislation, policy and practice which structures housing related activities in Canada is partly provided in the *National Housing Act* (NHA) and the *Canada Mortgage and Housing Corporation Act*. As the federal government's national housing agency, the Canada Mortgage and Housing Corporation (CMHC) received a new mandate in 1996 when the federal government redefined its role in housing. This new mandate covers activities in home financing, export of Canadian housing products, services and expertise, social housing, housing-related research and sharing research results. The NHA and CMHC Act were subsequently amended in 1999 to give the Corporation more flexibility in carrying out this renewed mandate. As stated

in the NHA, the purpose of federal activities is to "promote the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions" and to "protect the availability of adequate funding for housing at low cost."

Market-related housing activity

327. The housing finance system in Canada is highly developed and supported by all government levels and the private sector. Recent low inflation has enabled low mortgage rates which create favourable conditions in residential markets. The new mandate CMHC received in 1996 allows the corporation to operate on a more commercial basis in the face of increased competition in the mortgage financing market and changing technological environment.

328. Within this national environment, CMHC employs various policy tools under the NHA. Approximately one in every three Canadian homeowners has utilized CMHC mortgage loan insurance to purchase a new or existing home. This is an inexpensive vehicle for borrowers to obtain low down-payment financing at the lowest possible mortgage rates. Down payments may be as low as five percent. Mortgage insurance is also available for the financing of multi-residential properties, providing landlords and developers with access to financing of up to 85 percent of the loan to value ratio, and hence helping to provide a supply of affordable rental units. Mortgage-backed securities provide access to lower-cost means to fund mortgages by "securitising" large numbers of mortgages for subsequent sale to investors. In response to the more commercialized and flexible NHA housing finance mandate announced by the federal government, several new tools have been introduced. In 1995, CMHC introduced a computer-based leading-edge on-line underwriting system, to provide CMHC's approved lenders with an electronic tool to accurately assess mortgage risk. Numerous improvements to this system have since been implemented to increase accuracy and client service.

Assisted housing

329. Most administrative arrangements relating to social housing programs and delivery are governed by federal-provincial/territorial agreements on social housing. As of December 31, 1999, the portfolio of federally assisted housing units totalled 639,200 units (6.6 percent of all households in Canada). In 1998-1999, combined direct federal-provincial expenditures were $3.8 billion. Municipalities are also active in promoting social housing.

330. In 1996, the federal government opened negotiations to offer provinces and territories the opportunity to assume responsibility for the management of existing federal social housing resources. As of December 1999, the new arrangements had been entered into with nine provinces and territories.

331. In 1994, the federal government reinstated the Residential Rehabilitation Assistance Program (RRAP) for two years at a cost of $100 million. RRAP provides assistance to

bring homeowner and rental housing units, and rooming houses, up to minimum property standards, to complete emergency repairs on homes in rural areas, and to make housing accessible for persons with disabilities.

332. Assistance from the Residential Rehabilitation Assistance Program is targeted to housing occupied by low income households. Since December 1995, the Government of Canada has extended these programs several times, culminating in a five-year extension announced in January 1998, supplemented by a doubling of the budget for four years, announced in December 1999. During this last announcement, which was under the auspices of the government's homelessness strategy, a new component of RRAP was introduced to convert non-residential buildings into housing units. From 1995 to 1999 inclusive, close to 51,000 units were repaired under RRAP, a little under 6,500 additional units under the Emergency Repair Program (ERP) and upgrades to over 7,000 units were made under Home Adaptations for Seniors' Independence (HASI).

Housing needs assessment and possible responses

333. Canada has developed a comprehensive system for measuring the nature and incidence of housing problems, called the Core Housing Need Model. This Model examines a household's situation to determine whether its housing is adequate, suitable (uncrowded) and affordable. A dwelling is considered to be adequate, if it is not in need of major repairs. Suitable dwellings are those that meet the National Occupancy Standards; they have a sufficient number of bedrooms given the size and composition of the household. Dwellings are defined to be affordable if households do not have to spend 30 percent or more of their total before tax household income on shelter. Households living below these standards are then examined to see if they have the income needed to afford the average market rent for adequate, uncrowded housing in their communities. For example, most owners and some renters who were paying more than 30 percent or more of their incomes for shelter in 1996 could have found decent rental housing in their area for less than 30 percent of their incomes. CMHC's electronic data base for assessing housing conditions shows that, in 1996, there were 1.8 million households in core housing need. This represents about 18 percent of all households in Canada, with almost seven in 10 of these being renter households.

Improving housing affordability and choice

334. The First Home Loan Insurance Program, introduced in 1992, reduced the minimum down-payment required by first time home buyers to purchase a housing unit to 5 percent by extending mortgage insurance coverage from 90 percent to 95 percent. In 1998, this program was extended to allow lenders to provide up to 95 percent financing to all home buyers, not just first time buyers. The Home Buyers Plan allows households with accumulated savings in registered retirement savings plans to temporarily withdraw up to $20,000 of these funds without a tax penalty, for the purpose of purchasing a first home. Since inception of this program in 1992, more than one million individuals have participated, releasing over $10.4 billion of their capital to facilitate access to home ownership. Construction of new housing and substantial renovation of existing units may

also be eligible for a 36 percent rebate of the Goods and Services Tax (which is a form of value-added tax) paid. Capital gains on a principal residence may also entitle an exemption from personal income tax for some homeowners.

335. From the Affordability and Choice Today (ACT) program's inception in 1989 to the end of 1999, 149 projects had been awarded ACT grants, with 62 completed projects having been documented in individual case studies. The mandate of the Canadian Centre for Public/Private Partnerships in Housing (CCPPH) is to help community groups develop affordable housing, without long-term subsidies. Financing is supported through the provision of CMHC mortgage insurance, often with the application of innovative financing techniques. From its establishment in 1991 until year end December 1999, more than 300 projects involving some 15,400 units have been facilitated.

Homelessness

336. Homelessness has become a growing concern in Canadian society. Consequently, on March 23, 1999, the Minister of Labour, was appointed as Co-ordinator of the Federal Response on Homelessness. A National Secretariat on Homelessness was established to provide support to the Minister and work with other stakeholders to address the issue of homelessness. Given the complexity of the homelessness situation, no one level of government can address the issue alone. Rather, a partnership approach is needed.

337. The Secretariat is now in the process of transforming the pilot-tested software into a supported and operational information system available to shelters and communities across the country.

338. On December 17, 1999, the Government of Canada announced the investment of $753 million, over the following three years, in an integrated and co-ordinated approach to help alleviate and prevent homelessness in Canada. With increased RRAP funding as part of the strategy, the initiative builds on proven solutions and fosters partnerships with provinces, territories and other levels of government and the private and voluntary sectors.

339. There are two components to the homelessness strategy:

- The creation of new programming: The Supporting Communities Partnership Initiative (SCPI) ($305 million) will assist communities to engage all levels of government and partners to develop the services and supports needed to address the issue of homelessness. The initiative will also help in the development of long-term plans to address the underlying causes of homelessness, with a view to preventing its occurrence. The Surplus Real Property for Homelessness Fund ($10 million) will facilitate the transfer of surplus federal lands and/or properties to communities or others to be used for homelessness initiatives.

- The enhancement of existing programs: New funding for an Urban Aboriginal Strategy ($59 million) will help communities address urban Aboriginal homelessness.

Additional funding for the Youth Employment Initiatives ($59 million) is targeted to programs designed to help youth-at-risk, including homeless youth, acquire and develop basic and advanced skills. As part of the Government of Canada's Family Violence Initiative, funding is provided for the Shelter Enhancement Initiative ($43 million) to develop and enhance emergency shelters and second stage housing intended to serve women and their children fleeing domestic violence. With the additional funding for the Shelter Enhancement Initiative youth who are victims of family violence (including homeless youth) are now included as one of the target populations. New Residential Rehabilitation Assistance Program funding ($268 million) will support the renovation and repair of housing occupied by low-income people to bring it up to basic health and safety standards.

340. The primary focus of the SCPI is the absolute homeless (those individuals living in emergency shelters, on the streets and/or in places not meant for human habitation), as they are in the most need. To address this need, the funding for the SCPI has been divided into two streams: 80 percent has been allocated to 10 communities that have a significant absolute homeless problem, while the remaining 20 percent is for other communities that can demonstrate they have an absolute homeless problem. The 10 communities identified are Halifax, Québec City, Montreal, Ottawa, Toronto, Hamilton, Winnipeg, Calgary, Edmonton and Vancouver.

341. Over the next three years, $7 million has been allocated for research, reporting and accountability. There is currently a lack of reliable and valid comparable statistics on homelessness in Canada. The most recent "national" count of the homeless was conducted in 1987 by the Canadian Council on Social Development (CCSD). In response to this gap, the Canada Mortgage and Housing Corporation (CMHC) undertook the development of the Homeless Individuals and Families Information System (HIFIS). The information collected through HIFIS can be used to conduct analysis of the shelter segment of absolute homelessness. HIFIS will benefit the municipal, provincial and federal governments by identifying the characteristics of the homeless population served by the various shelters. By the end of December 2000, HIFIS had been piloted in eight of the main SCPI communities. After successfully pilot testing HIFIS, CMHC transferred it to Human Resources Development Canada (HRDC). Since then, HRDC has further developed HIFIS and has been working with communities across Canada on its implementation. As part of both its 1996 and 2001 Census efforts, Statistics Canada worked to improve its data for people in collectives, in particular trying to better capture the homeless staying in shelters on census night. As well, commissioned by the National Secretariat on Homelessness, Statistics Canada is investigating the feasibility of doing a national street count. As well, to enhance the knowledge base on homelessness, it is expected that annual reports will be released on the Government of Canada's homelessness strategy. The first report is scheduled to be released in December 2000; additional information will be provided in Canada's next report.

342. The Government of Canada spends approximately $1.9 billion a year on social housing across the country to assist low-income Canadians, including those "at risk" of homelessness. The Canada Mortgage and Housing Corporation's Canadian Centre for

Public-Private Partnerships in Housing developed over 2,100 affordable housing units in 1998. In 1999, more than 4,100 units were created. Additionally, CMHC's Homegrown Solutions helped local communities find creative ways to meet their housing needs.

343. Between 1995 and 1999, some 13,800 housing units were rehabilitated with funding targeted to the rental and rooming house components of the Rental Residential Rehabilitation Assistance Program (Rental RRAP) and the equivalent provincial programs.

Aboriginal people

344. In July 1996, a new federal on-reserve housing policy was announced under which First Nations have increased flexibility on how the funds are to be used. Changes as a result of this policy have contributed to improvements in housing conditions on reserve.

345. By the end of 1999, the adequacy of housing on reserve increased to more than 57 percent from the 50 percent adequacy rate as of March 1996, and the total number of houses on reserve increased from 78,200 to 88,500. In addition, more First Nations are demonstrating a fundamental shift toward taking "ownership" of the issue and are actively seeking a range of innovative solutions in all aspects of housing. Over the last ten years, Indian and Northern Affairs Canada has been able, through internal reallocation, to establish a budget of $177 million for new construction and renovations for on-reserve housing. CMHC expenditures for housing on reserve was $99 million and $92.1 million for fiscal years 1997-1998 and 1998-1999, respectively.

346. A 1998 assessment of the policy found that it appears to be meeting its primary objectives, and is providing the flexibility and encouragement to help First Nations focus more resources at rehabilitating existing housing. The assessment also found that most First Nations are promoting individual responsibility by requiring their members to carry out basic maintenance on their houses and to repay housing loans.

347. Funding for First Nations capital facilities and maintenance grew from $688.6 million in 1994-1995, to $845.2 million in 1997-1998, and $759.5 million in 1998-1999. Approximately one third of the budget is for the operation and maintenance of existing infrastructure and facilities, while two-thirds is designated for the acquisition of capital assets including water, sewage, schools, fire protection and roads.

348. Water supply and sewer systems in Aboriginal communities often do not meet general standards. Aboriginal housing is a special source of concern, since 32 percent of non-farm households off reserve urgently need it. On and off reserve, half of households live in dwellings that meet or exceed standards for acceptable size and quality.

349. Information about housing on reserves, ministerial housing guarantees, funds for housing construction and funds for housing and infrastructure innovation can be found in Canada's report *Implementing the Outcomes of the Second United Nations Conference on*

Human Settlements (Habitat II): Canada's Response (http://www.cmhc-schl.gc.ca/en/homadoin/faffhoinca/faffhoinca_001.cfm).

350. A new housing innovation fund promotes the strengthening of capacities and innovation in this field. Eight projects are in hand. The Department of Indian and Northern Affairs funded 54 water supply and sewer projects across the country in 1998-1999.

Women

351. There is no legislation or institution to prevent home ownership in Canada; however, there may be socio-economic impediments to such ownership. For women, ownership is more closely tied to family status than it is for men. Men alone and fathers alone are more likely to own houses (52 percent) than women (29 percent). The affordability of housing is a problem that particularly affects women. The various federal housing programs and measures take this into account.

352. Under the Shelter Enhancement Program (SEP), which aids women and children leaving domestic violence, more than 3,100 shelter units were upgraded or created between 1995 and 1999. In December 1999, SEP was augmented by $43 million over four years and expanded to include youth who are victims of family violence.

353. The Women's Program of Status of Women Canada does not fund the building of housing but does support strategies to increase women's access to affordable housing. Some examples follow. The B.C. Women's Housing Coalition (1996-1997) used focus groups, round table discussions and research to explore several themes focused on women's housing strategies and issues in British Columbia. By working in partnership with several stakeholder organizations, the coalition developed recommendations for systemic change aimed at making a more responsive housing delivery system with better understanding of challenges and barriers that women face in the current system. The Calgary Native Women's Shelter (1999) focused on institutional change with women's shelters regarding culturally appropriate services for Aboriginal women. They conducted cross-cultural awareness for staff on issues unique to Aboriginal women in the areas of law, financial support, training, and housing. Several projects looked at the policy barriers or systemic barriers which prevent woman and their families from meeting their basic housing needs, such as the Life Spin Women's Resource Centre (1998-1999); the Centre for Equality Rights in Accommodation, which addressed the gendered nature of poverty and developed tools to facilitate cooperation between provincial/territorial governments and non-governmental organizations on women's economic and social rights, including affordable housing (1999); and the Ontario Older Women's Network, which focused on the housing situation of older women to bring forward policy changes (1999).

354. The Women's Program and Regional Operations Directorate has approved funding for 17 initiatives designed for homeless women; it supported the World March of Women (1999-2000) in defending causes including the right to decent housing in all countries.

355. The Policy Research Fund of Status of Women Canada, under the theme "Reducing Women's Poverty: Policy Options, Directions And Frameworks" issued in September 1997 papers such as: *The Changing Nature of Home Care and its Impact on Women's Vulnerability to Poverty*; *The Dynamics of Women's Poverty in Canada*; *Reducing Poverty Among Older Women: The Potential of Retirement Incomes Policies*; *Building Capacity: Enhancing Women's Economic Participation Through Housing*; *Social Policy, Gender Inequality and Poverty*; and *Economic Impact of Health, Income Security and Labour Policies on Informal Caregivers of Frail Seniors*.

356. Two more themes issued by the Policy Research Fund of Status of Women Canada, "Factoring Diversity Into Policy Analysis And Development: New Tools, Frameworks, Methods, And Applications" (September 1997) and "Young Women At Risk" (September 1999) produced papers such as *Housing Policy Options for Women Living in Urban Poverty: An Action Research Project in Three Canadian Cities* and *Young Women and Homelessness in Canada*. These studies are used by a number of analysts as basic references for policy development.

Matrimonial real property

357. The federal government recognizes there is a legislative gap in the *Indian Act* with regard to the issue of matrimonial property, and acknowledges the Committee's concerns. The *Indian Act* is silent on the use, occupation and possession of land — including the matrimonial home — and does not speak to the division of interests in land on reserve in case of a marital breakdown. In addition, the provinces, which normally have jurisdiction over such issues, may not validly legislate concerning land within the federal competence, such as Indian reserves.

358. The Government of Canada remains committed to finding a practical solution to this issue. Consultative processes and research on this issue are currently underway. It is hoped that the results of this research will identify concrete options to resolve this issue through legislation or policy development.

359. One such option is contained in the *First Nations Land Management Act* (FNLMA), passed in June 1999. This legislation provides the framework to enable the 14 signatory First Nations to establish their own land management regimes and take over the administration and management of their reserve lands. The FNLMA includes provisions to address the issue of matrimonial real property. The signatory First Nations have agreed to establish community processes to develop rules and procedures to deal with matrimonial property within 12 months from the date the land code takes effect. In essence, the First Nation community itself will develop the land codes and procedures. These codes must address the issue of division of matrimonial real property and they cannot discriminate on the basis of sex.

360. While the FNLMA is intended, at this time, to apply only to the 14 participating First Nations, Canada is open to considering its application to other interested First Nations.

International cooperation

361. Detailed information on international co-operation will be found in the following reports: *Implementing the Outcomes of the Second United Nations Conference on Human Settlements (Habitat II): Canada's Response* (http://www.cmhc-schl.gc.ca/en/homadoin/faafhoinca/faafhoinca_001.cfm); and *Implementation of decisions made at the World Summit for Social Development, Canada's Response* (http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/summit-en.asp).

Article 12: Right to Physical and Mental Health

362. The Government of Canada belongs to the World Health Organization. It has taken part in a number of negotiations for international framework conventions on public health campaigns. Canada has submitted several reports to the United Nations dealing with the health of Canadians, including the Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women* (http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw_e.cfm) and the Second Report on the *Convention on the Rights of the Child* (http://www.pch.gc.ca/progs/pdp-hrp/docs/crc_e.cfm). The Government of Canada also prepared *Toward a Healthy Future: Second Report on the Health of Canadians* (http://www.hc-sc.gc.ca/hppb/phdd/report/toward/report.html) in September 1999 as well as the *Statistical Report on the Health of Canadians* (http://www.hc-sc.gc.ca/hppb/phdd/report/stat/index.html).

363. Canada has made substantial progress in improving the health of its population, as demonstrated by increases in life expectancy, reduced infant mortality and a better quality of life for middle-aged and older Canadians. We also note that most Canadians are taking steps to improve their health. Every age group and region has its own challenges. The Aboriginal peoples of Canada remain highly vulnerable to health problems.

364. Such factors as socio-economic and physical environment, early childhood experiences, personal health habits and biology have effects on health, and these factors function independently of investments in health care.

365. The Population Health Approach provides the basis for Health Canada's policy and program development to improve the health status of the entire population and to reduce inequities in health status between population groups. Strategies are based on an assessment of the conditions of risk and benefit that may apply across the entire population, or to particular subgroups within the population. The approach uses the following determinants of health: income and social status; social support networks; education; employment and working conditions; social environments; physical environments; biology and genetic endowment; personal health practices and coping skills; healthy child development; health services; gender; and culture.

Health care system

366. Detailed information on the health care system in Canada, as well as on the health of the Canadian population can be found in several reports available at Health Canada's Web site (http://www.hc-sc.gc.ca/). For a summary of the health care system in Canada, please refer to *Canada's Health Care System* and for details on the provincial/territorial public health insurance plans, refer to *Canada Health Act Annual Report 1998-99.*

367. Canada has a predominantly publicly financed, privately delivered health care system, which provides access to universal, comprehensive coverage for medically necessary hospital and physician services. It is best described as an interlocking set of ten provincial and three territorial health insurance plans, resulting from the constitutional assignment of jurisdiction over most aspects of health care to the provincial order of government. Canada's Third Report on the *International Covenant on Economic, Social and Cultural Rights* (http://www.pch.gc.ca/progs/pdp-hrp/docs/cesc_e.cfm) provides additional details on the health care system. The federal government assists in the financing of provincial and territorial health care services through fiscal transfers, primarily the Canada Health and Social Transfer (CHST).

368. In 1984, the Government of Canada enacted legislation (the *Canada Health Act*) for publicly funded health care insurance. It affirms its commitment to a universal, accessible, comprehensive, portable and publicly administered health insurance system for all Canadians. The *Canada Health Act* establishes criteria and conditions related to insured health care services and extended health care services that the provinces and territories must meet in order to receive the full federal cash contribution under the CHST. These criteria are: public administration (the administration of the health care insurance plan of a province or territory must be carried out on a non-profit basis by a public authority); comprehensiveness (all medically necessary services provided by hospitals and doctors must be insured); universality (all insured persons in the province or territory must be entitled to public health insurance coverage on uniform terms and conditions); portability (coverage for insured services must be maintained when an insured person moves or travels within Canada or travels outside the country); and accessibility (reasonable access by insured persons to medically necessary hospital and physician services must be unimpeded by financial or other barriers).

369. Under the *Canada Health Act*, provinces and territories must not permit user charges for insured health services, except as provided for under subsection 19(2) respecting persons who require chronic care and are more or less permanently resident in a hospital or other institution. If it has been determined that either extra-billing or user charges, or both exist in a province or territory, then a mandatory dollar-for-dollar deduction is to be made from the federal cash contribution (CHST). Health Canada's approach to resolving possible non-compliance issues emphasizes transparency, consultation and dialogue. In most instances, issues are resolved through consultation and discussion based on a thorough examination of the facts. Penalties are only applied when other means of resolving issues have failed.

370. There is a strong working relationship between the Government of Canada and provincial and territorial governments. The health sector has a well-developed and long-standing intergovernmental structure. Federal-provincial/territorial Ministers of Health meet at a minimum on an annual basis, while Deputy Ministers meet semi-annually and on an as-needed basis throughout the year.

371. The 1999 Budget strengthened the Canadian Government's resolve to uphold the principles of the *Canada Health Act* by increasing transfer payments, promoting research, improving health information and enhancing services for vulnerable populations such as those in First Nations and Inuit communities.

372. The premise of a universal health insurance scheme is that all citizens will have access to the care they need within reasonable time periods. Through the National Population Health Survey both the federal and provincial/territorial levels of government are monitoring "unmet health care needs." The incidence of unmet needs in 1996-1997 was 5 percent of the population age 12 and older (non-significant increase from 1994-1995, when 4 percent of the population reported unmet needs). There was little systematic variation in the incidence of unmet needs related to sex or age. This information is made available to the public in the *Second Report on the Health of Canadians*, prepared by the Federal, Provincial and Territorial Advisory Committee on Population Health.

373. The Canadian Federal government has a significant role in the delivery of health services to First Nations and Inuit communities, and these investments in First Nations health care complement developments in the larger health system. In 1997, the federal government announced "Gathering Strength: Canada's Aboriginal Action Plan," a commitment to setting a new course in its policies for Aboriginal people. The federal government is following through on these commitments with new investments and initiatives in health services for Aboriginal populations. The 1999 budget announced substantial and sustained investments of $190 million over three years to improve the health of First Nations and Inuit as part of the health renewal system. These investments promote an integrated health system providing a more complete continuum of necessary care for First Nations and Inuit communities.

Health care expenditures

374. In 1998, gross domestic product (GDP) reached $30,249 per capita. Total health expenditures were $83.6 billion in 1998, representing 9.1 percent of GDP, down from the peak level 10 percent in 1992. Total health expenditures reached $89.8 billion in 1999 and $97.4 billion in 2000.

375. On a per capita basis, the health expenditure was $2,765 in 1998 — a 5.5 percent increase from 1997, or $145 per capita. Per capita spending on health continued to increase by 6.4 percent in 1999 and 7.5 percent in 2000. These expenditures were equivalent to 9.1 percent of GDP in 1998, and remained stable at 9.2 percent in 1999 and 9.1 percent in 2000.

376. In 1990, just over 25 percent of health care in Canada was financed with private funds (out-of-pocket, health insurance), while the rest was paid for with public funds. By 1999, the private share had increased to almost 30 percent. Most of the increase occurred over the first half of the 1990s, largely under the influence of cost-control efforts with respect to publicly financed health care.

377. Health expenditures by governments and government agencies (the public sector) in 1998 were estimated at $58.8 billion, equivalent to $1,946 per capita. This accounted for 70.1 percent of total health care spending, and was an increase of 5.9 percent compared to 1997. Private sector spending by households and insurance firms in 1998 totaled $25.1 million (or $830 per capita). The private sector accounted for an estimated 29.5 percent of total expenditures in 1999, down from 29.9 percent in 1998. This decrease is expected to continue in 2000.

378. Historically, the largest category of health care spending in Canada has been and still is hospital care, although its share has been gradually falling for at least two and a half decades. In 1999, hospital care accounted for about one-third of total health care spending — a sizable drop compared with a share of nearly 50 percent in the mid-1970s. In 1999, drugs and physician services accounted for close to another one-third of total health care spending, with roughly equal shares. Most of the remaining one-third was on other institutions, other professionals, and public health.

Mental health of Canadians

379. The Federal/Provincial/Territorial Advisory Network on Mental Health was created as an intergovernmental forum devoted exclusively to mental health issues. It provides a crucial link between jurisdictions enhancing the capacity of the federal and provincial/territorial governments to work together for the mental health of all Canadians.

380. For detailed information on the physical and mental health of Canada's population, please refer to *Toward a Health Future — The Second Report on the Health of Canadians* (1999) and *The Statistical Report on the Health of Canadians* available on the Web site of Health Canada (http://www.hc-sc.gc.ca/).

Infant mortality rate

381. The Canadian infant mortality rate has declined from 6.3 deaths per 1,000 live births in 1994 to 5.3 in 1998. This is due to a decline in both neonatal deaths and post-neonatal deaths. The single most important cause of both infant mortality and perinatal death was perinatal complications. The two leading causes of post-neonatal deaths were Sudden Infant Death Syndrome and congenital anomalies. There are substantial variations in infant mortality rates among the Canadian provinces and territories, with higher rates found in northern areas and areas with a larger percentage of Aboriginal residents. In some Aboriginal populations, infant mortality rates are two times higher than the national rate.

Access to safe water and adequate excreta-disposal facilities

382. Governments, industry, communities and individual Canadians are making significant progress in achieving clean, safe and secure water. A key component to achieving these objectives is through strengthening collaboration between federal and provincial and territorial governments to establish priorities and plans for action to better protect Canada's water resources. Federal departments work closely to ensure a fully integrated approach to addressing freshwater priorities.

383. The majority of the population has safe drinking water services and adequate disposal facilities. Eighty-seven percent of Canadians receive treated municipal drinking water. Aboriginal populations lack plumbing in a higher proportion. Canada is aware of problems associated with potable water on Indian reserves, and notes the Committee's concerns in this regard. Ensuring a supply of clean, safe drinking water in First Nations communities is a priority for the Government of Canada. The Department of Indian and Northern Affairs is continuing its efforts to assist First Nations in establishing basic water and sewage services for approximately 5,000 homes currently without these services, in a number of mostly northern communities.

384. The Government of Canada is undertaking on-site assessments of all community water and sewage treatment systems located in First Nations communities. Plans to undertake corrective measures will be developed in collaboration with First Nations and other partners as problems are identified. A national First Nations Water Management Strategy is being developed which will improve drinking water systems in First Nations communities, including the training of all plant operators, adequate operation and maintenance of the facilities, adoption of appropriate water standards and monitoring procedures, and enhancement of public awareness about drinking water safety.

385. Canada has one of the lowest incidences of waterborne diseases in the world. The incidence of waterborne diseases is several times higher in First Nations communities, than in the general population, in part because of the inadequate or non-existent water treatment systems. The Assembly of First Nations in partnership with Health Canada, is taking steps to improve this situation.

386. Government of Canada established the National Soil and Water Conservation Program (NSWCP) during 1997-1999. It was implemented nationally by industry-led provincial/regional adaptation councils to help address priority agriculture and agri-food sector environmental sustainability issues, including ground and surface water quality, water quantity, environmental management systems, soil management, endangered species habitat, on-farm storage of pesticide and other farm inputs. This program has been redesigned and extended under the new environmental stewardship and the renewed adaptation programs. Other strategies have been developed and are described in the Canada's Second Progress Report to the Food and Agriculture Organization of the United Nations Committee on World Food Security on Implementing the World Food Summit Plan of Action (http://www.agr.gc.ca/misb/fsb/fsb-bsa_e.php?page=index).

Infant immunization

387. In Canada, rates of immunization coverage have remained high throughout the 1990s. Estimates suggest, however, that immunization rates are lower for Aboriginal children in most provinces. Detailed information is shown in the Statistical Annex.

Life expectancy

388. Canada ranks in the top three developed countries in the world in measures of life expectancy, self-rated health and mortality rates. In 1997, Canadians of age 14 or younger made up 20 percent of the population, and 12 percent of the population was age 65 and older. In Canada, life expectancy at birth was 82.1 years for women and 76.3 years for men in 2000. At all ages, women have a greater life expectancy than men, yet the 5.6 year advantage that existed at birth declined to 2.6 years by age 75.

389. The health regions with the lowest life expectancies tend to be in remote regions or northern parts of certain provinces and have significant Aboriginal populations.

390. In Aboriginal populations, in 1995 life expectancy at birth for men was seven years less than the national average, and five years less for women. This gap between the life expectancy of Aboriginal populations and the national average has narrowed over time but is still appreciable.

Health-vulnerable groups

First Nations and Inuit populations

391. Health Canada, in collaboration with the provinces and territories, ensures access to quality health services and programs that address health inequalities and disease threats, in a manner that supports First Nations and Inuit autonomy and control. Health Canada provides public health services on reserve, as well as primary care and emergency services in isolated reserves where provincial services are not readily available. In the North, Health Canada provides funding to the territorial governments, except the Yukon, to deliver health programs for First Nations and Inuit on behalf of Health Canada. In the Yukon, some First Nations deliver health programs under self-government agreements, while programs for the remaining First Nations continue to be managed by Health Canada.

392. The National Native Alcohol and Drug Abuse Program (NNADAP) represents a network of 53 treatment centres and 500 community-based prevention programs operated by First Nations organizations and/or communities to provide culturally appropriate in-patient and out-patient treatment services for alcohol and other substance abuse. Twenty-eight million dollars per year is allocated for residential treatment and $30 million per year is allocated for the community-based component.

393. The solvent abuse program provides culturally appropriate community-based prevention, intervention and inpatient treatment services to First Nations and Inuit youth solvent abusers. A national network of nine solvent addictions treatment centres target youth aged 12 to 19 years with one treatment centre targeting youth aged 16 to 25 years. Intervention and Prevention funding is $6 million annually, and treatment funding is $13 million annually.

394. Aboriginal Head Start is an early intervention strategy addressing the needs of Aboriginal children and their families. Funding for the Aboriginal Head Start On Reserve program was set at $100 million over four years, beginning in 1998-1999, and $25 million per year on-going. The program was introduced in 1995 in urban and northern communities. The program was expanded in 1998 to First Nations communities on reserve. There are currently over 300 projects on reserve serving 7,700 children.

395. A range of research initiatives focussing on Aboriginal health is being funded through the Institute of Aboriginal Peoples' Health at the University of Toronto as part of the larger Canadian Institutes of Health Research.

396. First Nations and Inuit organizations have also developed and fielded a Regional Health Survey which has provided detailed health information on Aboriginal people on reserve and in the north. A second survey is currently being discussed.

397. The First Nation and Inuit Home and Community Care program was announced in the 1999 Budget. With the announcement commenced a three-year developmental period for First Nation and Inuit communities to carry out planning activities to enable access of home and community services by the majority of First Nation and Inuit communities. Prior to the release of funding, extensive consultation with First Nation and Inuit communities, provincial and territorial authorities was carried out to: support the development of services that were strongly linked with existing health care services; and build on existing investments made through both the Department of Indian and Northern Affairs in-home adult care program and the Building Healthy Communities — Home Nursing investment. The home and community care program is comprised of a set of common program elements which includes: client assessment, case management and coordination, access to personal care, nursing services, in-home respite care, medical supplies and equipment and strong linkages with other health and social services, including the Aboriginal Diabetes Initiative.

398. Numerous planning and training resources were developed for this developmental period. Many of these planning resources were based on lessons learned and experienced by the First Nation and Inuit home care pilot projects which were funded by the Health Transition Fund. During the initial developmental period, a significant investment was made in both training and capital to support the delivery of this program. At the time of this report less than 5 percent of the 700 eligible communities are not actively engaged in either program planning or service delivery, with 33 percent of these communities accessing home and community care services.

Women's health

399. Funded by Health Canada's Women's Health Contribution Program, the National Coordinating Group on Health Care Reform and Women examines the impact of health care reform on women as patients, providers (paid and unpaid) and decision makers. They synthesize research on health reform and women, identify gaps in research, develop strategies to fill those gaps and link research to policy through various means. The Coordinating Group is examining issues related to privatization, primary health care and community caregiving.

400. The Women's Health Strategy, which was launched by the Minister of Health in March 1999, conforms with the *Convention on the Elimination of All Forms of Discrimination against Women*, and with the principles of the Beijing *Platform for Action* and the *Federal Plan for Gender Equality*. The overarching goal of the Women's Health Strategy is to improve the health of women in Canada by making the health system more responsive to women and women's health. It promises that Health Canada will integrate gender into all its programs and policies by conducting gender-based analysis. The Women's Health Bureau leads the on-going development of the strategy and co-ordinates its implementation.

401. Information related to the Centres of Excellence for Women's Health Program, established in 1996, was provided in Canada's Third Report. The five centres, located in Halifax, Montréal, Toronto, Winnipeg and Vancouver, are managed by the Women's Health Bureau and will each receive approximately $2 million over a six-year period.

402. Funded by the Women's Health Contribution Program, Health Canada, the Health Protection and Women Working Group is actively involved in consultations to identify ways for gender to be taken into account in health protection issues. Health Canada convened an Advisory Committee on Women's Health Surveillance Issues, which included external experts in women's health. The Committee will advise the department on issues to be addressed in creating a national health surveillance system for women's health, including priority surveillance issues, quality and availability of data, data analysis and dissemination.

403. In infancy and childhood, girls use fewer health services than boys. But once beyond childhood, Canadian women make greater use of a wide array of health services. Changes in the health system will, therefore, have a significant impact on women. The Women's Health Strategy commits Health Canada to monitoring the effects of the process of health system renewal on women, both as users and as providers of care and to consider the particular needs of women in interpreting and enforcing the *Canada Health Act*. The Centres of Excellence for Women's Health are active in documenting and researching the impact of health renewal on women and the significance to women of access to pharmaceuticals and home care.

404. The Women's Health Bureau of Health Canada chairs the Federal Interdepartmental Working Group on Female Genital Mutilation (FGM). Its purpose is to inform and

educate, prevent the practice from being performed in Canada, and address health-related, legal and cultural/social issues. The government is also currently working with health care providers and educators to provide effective and sensitive responses to girls and women affected by FGM.

405. In June 1998, Health Canada allocated $7 million ongoing funding per year towards the renewed Canadian Breast Cancer Initiative (CBCI) for research, prevention, early detection, quality screening, support to community groups and networks, access to information, public and professional education, diagnosis, care and treatment, and surveillance and monitoring of breast cancer. The Medical Research Council of Canada (now the Canadian Institutes of Health Research) will contribute an additional $10 million over the next five years to the CBCI. (Refer to the section on Breast Cancer below for more information.)

406. Health Canada contributes $2 million per year to the Canadian Heart Health Initiative (1998-2003). Approximately $300,000 per year from this Initiative is allocated to projects that specifically target women's heart health issues, including integrated action on nutrition, physical activity, tobacco reduction and psycho-social factors.

407. The Women's Health Bureau and the Women and Tobacco Advisory Group have sponsored a policy paper "Filtered Policy," which recommends policy initiatives to address women's tobacco use, based on information gathered in the Tobacco Demand Reduction Strategy and other national and international literature on women's tobacco use.

408. In September 1996, Health Canada adopted Canada's women and clinical trials policy which stipulates that drug companies also include women in clinical trials, in the same proportion as are expected to use the drug.

409. As well, Health Canada released the *Family-Centred Maternity and Newborn Care: National Guidelines*, which were developed to assist hospitals and other health care agencies in planning, implementing, and evaluating maternal and newborn programs and services. The Guidelines are designed for policy makers, health care providers (e.g. physicians, nurses, midwives), parents, program planners, and administrators.

410. Statistics show that the maternal mortality ratio for Canada has declined significantly. For the period 1993-1997, there were 4.4 maternal deaths per 100,00 live births, compared to 8.2 deaths per 100,000 live births for the period 1973-1977.

411. In September 1999, the Policy Research Fund of Status of Women Canada, under the theme "Where Have All the Women Gone? Changing Shifts In Policy Discourses," produced papers such as *Mothering Under Duress: Policy Discourses in the Context of Women Abuse, Illicit Substance Use and Mental Illness* and *Gender Equality Promotion Strategies for Regional Planning, in the Context of Health Reform.*

Children's health

412. Canada develops policies and programs to promote the health of children and their families through the preconception, prenatal, postpartum, and infancy periods. Comprehensive strategies include research, monitoring and surveillance, education, resource development and dissemination, consensus-building, and inter-sectoral collaboration. Through the development of policy statements, professional guidelines, and public awareness campaigns, professionals and the public are provided with information to help address and enhance healthy child development. For example, the decline in the rate of Sudden Infant Death Syndrome (SIDS) in Canada in the mid-1990s coincides with the identification of modifiable risk factors for both parents and children and public education on these factors.

413. Federal, provincial and territorial governments in Canada work cooperatively to ensure that all Canadian children have the best opportunity to develop to their potential and are healthy emotionally and physically. Information on areas of cooperation, such as the National Child Benefit and the National Children's Agenda, is provided in the Introduction to this report.

414. Given the importance of health and social investments during the early years of life, the Government of Canada has introduced and enhanced a number of innovative initiatives to help Canadian children develop to their full potential. Federal programs such as the Community Action Program for Children (CAPC), the Aboriginal Head Start Program (AHS), and the Canada Prenatal Nutrition Program (CPNP) recognize the importance of early childhood development, parental involvement and education, cross-sectoral approaches for children's well-being, and partnerships with other governments, non-governmental agencies, and communities. These community-based programs reach over 150,000 Canadian children and parents in over 3,000 communities each year.

415. The Community Action Program for Children (CAPC) provides long term funding to community groups to establish and deliver services to improve the health and development of children from birth to age six who live in conditions of risk, including children living in low-income families. CAPC projects provide parents with the support, information, and skills they need to raise their children through services such as family resource centres, parent education, home visiting, play groups and community kitchens. Results indicate that CAPC projects are successfully reaching their at-risk target group, as 42 percent of CAPC households have incomes of less than $15,000 and 38 percent of CAPC mothers had not finished high school. For additional details on the Aboriginal Head Start and Canada Prenatal Nutrition Programs, see Article 11.

416. The Government has developed a National Strategy on Fetal Alcohol Syndrome/Fetal Alcohol Effects (FAS/FAE), issuing a joint statement on the prevention of FAS/FAE in 1996, funding provincial/territorial programs for treatment and rehabilitation through the Alcohol and Drug Treatment and Rehabilitation (ADTR) Program and the Native Alcohol and Drug Abuse Prevention Program (NNADAPP), and announcing in 1999 additional funding for the enhancement of activities related to FAS/FAE.

417. Through population-based surveys such as the World Health Organization collaborative Health Behaviours in School-Aged Children Study, National Longitudinal Survey of Children and Youth, and monitoring and surveillance activities such as Canadian Perinatal Surveillance Program and the Canadian Hospitals Injury Reporting and Prevention Program, Canada has built an evidence base that can be used for reporting, decision-making, policy and program development.

Health of seniors

418. The responsibility for policies and programs to address the needs of seniors (65+) is shared between the federal and provincial/territorial levels of government. Each government has appointed a Minister Responsible for Seniors to ensure appropriate representation of seniors' issues in the formulation of government policies.

419. The Government of Canada works to provide leadership in areas pertaining to aging and seniors through the provision of advice and support to policy development; by conducting and supporting research; and providing information/education to seniors, seniors organizations and people who work with seniors in Canada.

420. Research co-ordination is facilitated by the Policy Research Initiative, a secretariat attached to the Cabinet office, which has identified population aging as a priority. Among other activities, the secretariat supports periodic meetings of senior researchers working on aging from across the federal government.

421. A federal government interdepartmental committee on seniors issues was formed in 1994 to facilitate responding to the needs of seniors and an aging population. In 1998, interdepartmental working groups began reviewing potential issues, knowledge gaps and possible actions related to population aging. A diagnostic based on this work and on the findings of researchers from within and outside the government was subsequently presented to senior officials from key departments. The diagnostic will help guide future policy work to respond to aging.

422. The National Advisory Council on Aging (NACA), created in 1980, continues to assist and advise the Minister of Health on all matters related to the aging of the Canadian population and the quality of life of seniors. Most recently, NACA published *1999 and Beyond: Challenges of an Aging Canadian Society*, which examines and provides advice on the challenges population aging presents in a range of areas, including health, the labour force and the financial security of future seniors.

423. The health and disability-free life expectancy of successive cohorts of seniors has been improving, indicating that further gains in health and reduced burdens on the health care system are achievable through strategic population health and health promotion policy measures.

424. Because of their health conditions, seniors (65+) make greater use of all health services than younger Canadians, including acute care, drug care, home care and institutional long-term care. This is especially true for older seniors (75+). Improvements in health status, medical technologies and the expansion of home and community care have resulted in some decline in rates and duration of hospital stays and in rates of long-term institutionalization.

425. The National Forum on Health was launched in 1994 to consult with Canadians and advise government on innovative ways to improve the health of Canadians. The Forum's publications include a volume on seniors' determinants of health. The National Forum on Health has completed its work and has presented its report to the Prime Minister of Canada. As a result, the Forum officially ended its operations in June 1997 (www.hc-sc.gc.ca/english/care/health_forum/forum_e.htm). Through the Health Transition Fund, several provinces are documenting innovative service models designed to improve the quality and cost-effectiveness of health services for an older population in the areas of home care, pharmacare and integrated service delivery.

426. Recognizing the vulnerability of seniors to preventable injuries, the Government (led by Health Canada and Veterans Affairs) is planning a four-year pilot initiative to fund community-based projects that will design and assess the effectiveness of injury prevention interventions.

427. "New Horizons: Partners in Aging" was a Health Canada community funding program that provided financial support for innovative demonstration projects involving seniors at the grassroots level, including many projects relevant to senior women. The Seniors' Independence Research Program is an extramural research program designed to strengthen national research with a balanced emphasis on social, economic and health determinants for seniors. This Program has a major focus on dementia (including Alzheimer's Disease) and osteoporosis. These two programs were completed in 1997.

428. In 1997, Health Canada adopted a population health approach and created National Population Health Fund. This approach promotes prevention and encourages positive action on the determinants that affect the health of the population, or that of specific population groups such as children, youth, mid-life and later life. The Population Health Fund has an annual budget of $14 million and its goal is to increase community capacity for action on the determinants of health.

429. Government-funded research carried-out by academics, often located in specialized centres focussing on aging issues, also informs the policy-making process. Examples include:

- SEDAP (Social and Economic Dimensions of an Aging Population) is an ongoing four-year multi-disciplinary research program, funded in 1999 and involving more than 28 academics from five Canadian universities. The overall purpose of the program is to provide a comprehensive, scholarly investigation of issues related to population aging. An important element is communicating results to the academic research community, policy makers and the public at large,

- The longitudinal Canadian Study of Health and Aging (CSHA) which collected data in 1991 and 1996, focussed on the epidemiology of dementia. The study has provided estimates of prevalence, incidence and risk factors for dementia, and the burden it places on family caregivers. The CSHA has also described patterns of disability, frailty and health aging.

Rural health

430. Health Canada created an Executive Director position for Rural Health in 1998 in response to the federal government's commitment that federal departments and agencies consider the impact on rural Canada when they formulate and implement policies, programs and services for Canadians. An Office of Rural Health will be established later to provide support to a two-year, $11 million contributions program for 2000-2001 and 2000-2002 to fund projects that promote better access to needed services to rural Canadians. Improving access to health care at reasonable cost was recognized among the 11 policy priorities areas for government under the Canadian Rural Partnership Framework. More specifically, the objectives of the funding program will be to promote the integration and accessibility of the full range of health services, including primary care and specialty care; explore ways to address workforce issues, including but not limited to gaps in the supply of health professionals; and explore system reforms to improve the delivery of health services in rural and remote areas. During its mandate, the Office of Rural Health will provide a national perspective on rural health concerns in relation to broad federal, departmental and regional priorities. It will identify and build consensus on current and emerging rural health issues, areas of shared concern as well as potential gaps and opportunities; establish partnerships and/or liaise with major stakeholders to promote, encourage, or influence action on national rural health priorities; and promote the involvement of rural citizens, care providers, and communities in federal decision-making about rural health concerns.

Community information and involvement

431. The Government makes health information easily available through the Canadian Health Network, which enables all Canadians to have direct access to health information through the Internet (http://www.canadian-health-network.ca/).

432. Through community-based programs, operation of national information clearinghouses, and by developing information, education, and prevention resources, the Government informs the public about issues of concern, promotes healthy lifestyle choices that contribute to long-term health (e.g. good nutrition, active living, non-smoking), promotes parenting skills, and increases parental, public, and professional awareness of healthy child and youth development as well as issues related to ensuring healthy, safe, and supportive environments.

433. There are also various working groups and consultative mechanisms through which civil society is consulted and involved in health care programming and policy development. Such dialogue is seen as a valuable means of engaging and working cooperatively with Canadians and community-based organisations across the country.

434. Through the Population Health Fund, Canada supports communities and organizations in defining and developing solutions to community-identified problems, and fosters community change.

Specific health issues

Injury prevention

435. Canada has in place many activities that address injury prevention through research, surveillance, legislation, and programming. The Government has been a catalyst in the promotion of comprehensive, multi-sectoral action that addresses injury prevention at local, regional, provincial, territorial, and national levels. Canada will continue to strive for a coordinated and comprehensive approach to this major public health problem. A large multi-disciplinary group of stakeholders continues to work towards a national strategy for injury prevention and control in Canada.

HIV/AIDS

436. The new Canadian Strategy on HIV/AIDS was launched by the Minister of Health in May 1998, committing $42.2 million annually to the fight against HIV/AIDS. The Canadian HIV/AIDS Strategy grew out of extensive consultations with volunteer and community groups, First Nations and Inuit organisations, researchers, the private sector, professional associations, health and social care providers and governments — and most importantly, with individual Canadians living with HIV/AIDS.

437. The Strategy has ten components: prevention; community development and support to national non-governmental organisations (NGOs); care, treatment and support; research; surveillance; international collaboration; legal, ethical and human rights; Aboriginal health and community development; correctional services; and consultation, evaluation, monitoring and reporting. These components are used to guide and support programming and policy development in response to HIV/AIDS. The international collaboration component focuses on improving the capacity of Canadians to act globally against the HIV/AIDS epidemic; expanding information sharing and knowledge in Canada concerning the global context of HIV/AIDS, and assisting in the coordination of Canadian government and community involvement in the international response to HIV/AIDS. Several important initiatives in the area of sexual orientation have occurred over the last decade beginning with an amendment to the *Canadian Human Rights Act* in the early 1990s, and culminating in the Reference to the Supreme Court of Canada on the definition of marriage. These initiatives have resulted in Canada being at the forefront of the advanced industrialized states in terms of formal equality rights for gays and lesbians.

Diabetes

438. The Canadian Diabetes Strategy is a collaborative effort to develop the measures needed to prevent, control and combat diabetes in a coordinated way. The Strategy's purpose is to raise Canadians' awareness of how they can prevent diabetes and its complications; and support improved monitoring of diabetes in the population, with an eye to improving the planning and evaluation of future diabetes reduction strategies.

439. Throughout 1998, consultations on diabetes were held with First Nations, Métis, Inuit and urban Aboriginal people to determine what would be needed to create a comprehensive Aboriginal Diabetes Strategy. Several working groups were formed, and a national committee created. A report was prepared, which formed the basis of the present Aboriginal Diabetes Initiative (ADI). Work was done to determine the incidence and prevalence of diabetes, mostly in Manitoba, and focussing primarily on First Nations.

440. In February 1999, the budget announced the creation of a Canadian Diabetes Prevention and Control Strategy, funded at $55 million over three years. However, during the next several months, the strategy evolved to the "Canadian Diabetes Strategy" (CDS), with funding of $115 million over five years. The CDS has four major components: the Aboriginal Diabetes Initiative (ADI), the National Diabetes Surveillance System (NDSS), Prevention and Promotion, and National Coordination. The ADI was granted $58 million over five years (or just over half the funding). The NDSS and National Coordination components also address Aboriginal issues.

441. The Aboriginal Diabetes Initiative was announced in 1999-2000 as a major component of the Canadian Diabetes Strategy. The $2 million in funding allocated to the program in 1999-2000 was spent on implementation planning. Implementation planning meetings were held in all eight First Nations and Inuit Health Branch regions as well as by National Aboriginal organizations (Assembly of First Nations, Inuit Tapiriit Kanatami, Congress of Aboriginal Peoples, Métis National Council and the National Aboriginal Diabetes Association). These meetings involved First Nations, Inuit, Métis and urban Aboriginal stakeholders at the community, regional/territorial and national level. In addition, bridge funding was provided to 12 existing diabetes pilot projects which had previously been funded through the National Health and Research Development Program (NHRDP).

Cardiovascular disease

442. The Canadian Heart Health Initiative (CHHI) was launched in 1986 as a collaborative effort of the federal and provincial governments and the Heart and Stroke Foundation of Canada. The CHHI focussed on building capacity in the public health system, delivering heart health interventions at the community level, and developing partnerships. In the long term, the goals of the CHHI were to reduce premature morbidity and mortality from heart diseases, and to reduce the prevalence of modifiable risk factors (e.g. smoking, sedentary lifestyle, high blood pressure), and risk conditions (e.g. social inequities, lack of access to nutritious foods).

443. The Initiative has completed four phases — policy development, risk factor surveys, demonstration projects, and evaluation — and currently has a dissemination phase in progress. The Canadian Heart Health Dissemination Project (ChhDP) is a five-year research project to advance our understanding of dissemination research and capacity building in order to deliver more effective heart health promotion in Canada. The ChhDP will focus on a synthesis of the learnings from each provincial Dissemination Project of the CHHI with a view to informing the field of dissemination and capacity research and policy development related to CVD prevention and chronic disease prevention more broadly. The project aims to provide information of value to public health policy makers, while building a foundation for the next generation of research studies that will inform the evolving policy agenda related to chronic disease prevention.

444. The dissemination phase is being implemented at a time of significant environmental shifts in Canada, particularly in primary care and public health. CHHI continues to evolve both within and parallel to this changing environment. A Situational Analysis of CHHI has been undertaken. The analysis examines and presents possible uses of CHHI assets within the current environment. Learnings from CHHI have already helped to guide the development of an integrated approach to chronic disease and its risk factors. The concept of "heart health" has been expanded to include other chronics diseases such as diabetes and cancer.

445. The experience with this initiative among others has also led to the creation of the Chronic Disease Prevention Alliance of Canada (CDPAC). The mission of CDPAC is to "foster a countrywide movement towards an integrated population health approach for prevention of chronic diseases through collaborative leadership, advocacy and capacity building." The significant knowledge gleaned through the CHHI experience has contributed greatly to the rapid and growing momentum around this countrywide movement (www.cdpac.ca).

Breast cancer

446. The Canadian Breast Cancer Initiative (CBCI) was renewed for a second five-year phase in 1998 for five years and then ongoing at $7 million per year. The renewed CBCI was the result of extensive consultations with breast cancer partners and stakeholders. It is active in several areas including: prevention and quality screening; surveillance and monitoring; quality approaches to diagnosis, treatment and care; community capacity building; coordination and evaluation; and research. The Canadian Institutes of Health Research (previously called the Medical Research Council of Canada) is contributing an additional $10 million from 1998 to 2003 for breast cancer research.

Cancer control

447. Key cancer stakeholders — the federal government, provincial cancer agencies/programs and non-governmental cancer organizations — began planning the Canadian Strategy for Cancer Control in 1999. Over 800 experts/survivors/care providers/health service

administrators began examining key issues and issuing recommendations across the cancer control continuum in the following areas: Prevention, Screening, Diagnosis, Treatment, Supportive Care, Palliative Care, Genetics, Pediatric Cancer, Human Resources, Research, Informatics and Technology. The recommendations has formed the basis for prioritisation for a national cancer control strategy (www.cancercontrol.org) that would involve all sectors of health and health care in Canada.

Tobacco control

448. Tobacco use is the single largest cause of preventable illness, disability and premature death in Canada. During the period covered by this report, it was estimated that the deaths of about 45,000 Canadians each year were attributable to the use of tobacco products, even though the national average smoking prevalence rate (daily + occasional use, age 15+) had been reduced by about half, from over 50 percent in the mid-1960s to about 25 percent by 1999. Addiction to tobacco was estimated in 1991 to cost Canadian society as a whole about $15 billion annually, including medical costs, foregone income to households and lost productivity. Direct medicare costs attributable to tobacco use were estimated to be about $3.5 billion annually.

449. Canada has implemented a series of country-wide strategies aimed at reducing tobacco use by reducing demand for tobacco products. Under various names — National Strategy to Reduce Tobacco Use (1986-1993), Tobacco Demand Reduction Strategy (1994-1997), Tobacco Control Initiative, Phase I (1998-1999) and National Tobacco Control Strategy (1999) — Canada has funded (and continues to fund) comprehensive efforts designed to address the tobacco problem. All such strategies have aimed to reduce harm by promoting prevention of the uptake of smoking by youth, cessation from smoking by youth and adults and protection of non-smokers from involuntary exposure to second-hand tobacco smoke. Canada's tobacco control programmes are complemented by a policy of taxation of tobacco products, which aims to discourage tobacco consumption while minimizing contraband.

450. Canada's tobacco reduction efforts include measures aimed at reaching and engaging with Aboriginal communities. There are higher smoking rates within Aboriginal communities; in some cases, smoking prevalence rates are thought to be about two or three times the national average. There are and unique needs and requirements among Canada's Aboriginal peoples: First Nations, Métis and Inuit. In many Aboriginal communities, commercial tobacco use often overlays a long tradition of ceremonial tobacco use. A strategy, First Nations & Inuit Strategy, is in the developmental stages, and will be launched in 2001, in conjunction with First Nations and Inuit partnership using collaborative, community-based mechanisms.

451. Canada's tobacco reduction strategies operate within the framework of a federal system and therefore involve commitments to take action on the part of both the federal and provincial/territorial governments. A collaborative mechanism exists in the form of a working or liaison group that reports to the F/P/T Advisory Committee on Population Health (ACPH).

452. Canada is a strong supporter of the development of The Framework Convention on Tobacco Control (FCTC). Canada hosted the first (Halifax, 1997) and second (Vancouver, 1998) WHO preparatory meetings of public health and legal experts on the development of the Convention and provided developmental funding for the initiative during this period.

Tuberculosis

453. First Nations Inuit Health Branch delivers a $3.8 million tuberculosis program to the First Nations population living on reserve. The program was implemented due to the much higher burden of TB experienced by First Nations population, and it has as its primary goal the elimination of the disease. Funding of Regional programs and program evaluation are national-level responsibilities, while case management and registry, and control of drug supply are regional program responsibilities. This centralized direction supports a decentralized implementation through primary health services at the community level, where early case finding and prevention are the main focus. Communicable disease control in First Nations, on-reserve and Inuit communities is a responsibility of First Nations Inuit Health Branch and its First Nations and Inuit partners. Immunization against vaccine-preventable diseases included in provincial schedules, outbreak management, water quality testing, and preventive education are all activities First Nations Inuit Health Branch engages in routinely. Funding for these activities is decentralized to the Regional and community levels, as part of regular community health programming.

Prevention and control of influenza

454. Several efforts are underway to prevent and control influenza pandemics in Canada, including:

- Stand-by vaccine capacity: Vaccines are the first line of defence. Annual use of vaccines has increased across Canada. Many orders of government rely on annual immunization campaigns as a tool to prepare for pandemic capacity. Other options and strategies such as antiviral drugs are being explored.

- Contingency and emergency plans: All orders of government are developing contingency plans that will be integrated and harmonized across the country. The Pan-Canadian Contingency Plan for Pandemic Influenza forms a guide for orders of government to employ; federal emergency plans will be developed and tailored to address pandemic influenza.

- Surveillance: Enhanced international surveillance sentinel systems will provide an early warning system enabling Canada time to react; domestic surveillance systems will also be enhanced.

- Communications frameworks: Federal communications frameworks, tool kits and Web communication channels will provide a resource to all orders of governments;

- Clinical and health services: Guidelines are being developed to address critical aspects of an influenza pandemic;

- Simulation Exercise: Health Canada undertakes various simulation exercises/mock emergency programs to test critical elements such as reporting/governance frameworks, communication, emergency and health care/service response in preparation for different health emergencies, including influenza, as well as nuclear, biological and chemical terrorism, nuclear emergencies, etc.

- Best practices: On an annual basis, best practices in flu management will be identified and developed, building on recommendations provided by the National Advisory Committee on Immunization.

Environmental health

455. The physical environment is a crucial health factor. In Canada, environmental quality is generally quite good. However the dangers and problems associated with the physical environment affect some groups more than others.

456. Health Canada is a partner in the federal Great Lakes and St. Lawrence Action Plans and their corresponding Canada-Ontario and Canada-Québec Agreements coordinating federal and provincial actions to clean up and protect these ecosystems. The health objectives are to assess and reduce population exposures to selected chemical and biological contamination from Great Lakes and St. Lawrence waters. Activities span research, surveillance, assessment, information and health promotion/awareness related to exposure to environmental chemicals such as PCBs in newborn infants, and in fish and wildlife eaters; to health risks associated with consumption of molluscs, shellfish and marine algae; to health risks associated with recreational activities involving contact with water; and with consumption of drinking water. The health programs contribute to regional, national and international policy development related to managing the health risks and controlling the widespread circulation of persistent organic pollutants, metals and other pollutants.

457. In 1998, a campaign, which is expected to last for five years, against contaminants in the North received an additional amount of $6 million a year. Activities will focus on human health risk assessment, results-based research, a continuous flow of health-related observations to Northern residents and a campaign for international commitments to reduce contaminant use and discharge. This program has established new standards for participants in the area of scientific work conducted by Aboriginal partners, institutions and communities.

International cooperation

458. CIDA's "Strategy for Health" outlines six objectives for Canada's development cooperation in the field of health: 1) to promote the development of sustainable national health systems; 2) to improve women's health and reproductive health; 3) to improve children's health; 4) to decrease malnutrition and eliminate micronutrient deficiencies; 5) to help prevent and control important and emerging pandemics which cause more than one million deaths per year and for which cost-effective interventions exist; 6) to support efforts to introduce appropriate technologies and special initiatives.

459. Health Canada's International Affairs Directorate (IAD) initiates, coordinates and monitors the Department's health policies, strategies and activities in the international field. The International Health Division (IHD) of IAD is responsible for policy analysis on international health issues as well as coordinating federal involvement and input into the activities and policies of international organisations such as the Pan-American Health Organisation (PAHO), World Health Organisation (WHO), the Organisation for Economic Cooperation and Development (OECD), the Commonwealth and organisational bodies of the United Nation's such as the Joint United Nations Programme on HIV/AIDS (UNAIDS). On these matters, Health Canada works closely with CIDA. CIDA provides funding for these organizations and contributes to development programming through these multilateral programs.

Article 13: Right to Education

460. As indicated in earlier reports, education falls under provincial jurisdiction in Canada. However the federal government is responsible for the instruction of children living on Indian reserves or Crown lands. As well, the Government of Canada continues its financial support to post-secondary education.

461. As previously noted, CHST cash and tax transfer help the provinces fund post-secondary education, as well as health care.

Aboriginal education

462. The Government of Canada continues to transfer the control of schools on reserve to First Nations. In 1998, 466 schools were operated by First Nations, compared with 429 in 1996, and 280 in 1988-1989.

463. Educational reform is one of the main thrusts of Canada's Aboriginal Action Plan. Canada is making a series of educational reforms to raise the educational levels of Aboriginal students in accordance with general priorities agreed to with the Education Committee of the Assembly of First Nations. The long-term objective is to strengthen First Nations capacities for managing education, improve school retention and graduation rates, increase job market prospects and improve employability, job opportunities and work force integration for Aboriginal students.

464. The Education Reform program of the Department of Indian and Northern Affairs was, launched in 1998, provides resources to improve the quality of education and academic achievement in First Nation Schools. In 1998-1999, $10 million was contributed to 200 initiatives in four priority areas: strengthening management and governance capacity, improving the quality of classroom instruction, increasing parental and community involvement in education and aiding the school-to-work transition for First Nations youth.

465. In the 1998-1999 school year, the number of First Nations students on reserve attending elementary and secondary schools was 110,687. Approximately 80 percent of First Nations school age children are enrolled in grade school, and 60 percent of these students attended band-managed schools on reserve. Of schools reporting on the level of Aboriginal language instruction, 70 percent of the student population received some such instruction, and 6 percent received 76 percent or more of their instruction in their Aboriginal language.[12]

466. The First Nations SchoolNet Program of Industry Canada provides multilingual on-line learning resources for Aboriginal people and First Nations cultures' enthusiasts.

467. The Post-Secondary Student Support Program (PSSSP) continues to apply to all levels of post-secondary education for Status Indian and Inuit students. Between 1988 and 1999, the number of Status Indian and Inuit students pursuing a college or university education increased from 15,572 to more than 27,000. Today, almost 100 percent of all post-secondary funding is administered by First Nations and Inuit organizations who establish their own priorities for the funding. The program offers students support for tuition, travel, and living expenses. The total funds allocated to this programme increased from $147.2 million in 1989-1990 to $261.3 million in 1995-1996 and $282 million in 1998-1999.

Financial assistance for students in higher education

468. In 1998, the Government of Canada introduced the Canadian Opportunities Strategy, a coordinated set of measures to expand access for Canadians to higher education through programs such as the Canada Student Loans Program (CSLP), the Canada Study Grants, the Canada Millennium Scholarships initiative, and the Canada Education Savings Grant Program (CESG).

469. Canada's Student Loans Program is administered by the Department of Human Resources and Development Canada (HRDC). The purpose of CSLP is twofold. First, to assist Canadians with demonstrated financial need to access and pursue post-secondary education in universities, community colleges and private vocational schools. Second, to reduce geographic, socio-economic and other constraints on participation in post-

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[12] Aboriginal language instruction is an optional reporting field for Canadian schools. Of the 110,687 students at issue, schools responsible for only 48,151 of these students responded with information on Aboriginal language instruction.

secondary education. Since its inception in 1964, the CSLP has helped over 3.4 million full-time students to pursue post-secondary education with more than $15 billion in subsidized loans.

470. The CSLP supplements the student's own resources from employment, academic awards and family contributions. The program is delivered in partnership with participating provinces, which are responsible for assessing a student's financial needs, determining eligibility, issuing loan certificates and designating eligible institutions. Québec, the Northwest Territories and Nunavut do not participate in the CSLP and receive compensation to operate their own student financial assistance plan.

471. The CSLP is a statutory needs-based program, meaning funds are driven by demand and not a limited budget. Assistance is provided to eligible students regardless of discipline of studies. The number of full-time and part-time students assisted has risen from about 270,000 in 1991-1992 to about 354,000 in 1997-1998, a 30 percent increase. Consequently, over the same period, the value of loan assistance has risen from $800 million to over $1.6 billion a year, an increase of 100 percent.

472. CSLP provides a loan of up to 60 percent of a student's assessed need up to a weekly limit of $165; provinces decide how and to what extent they will meet the remainder of the assessed need. To determine a student's assessed need for the full-time loans program, the following factors are considered: student category (dependent, independent, married, single parent); costs (education and living); resources available to student from spouse, parents and own earnings. After the borrower leaves full-time studies, interest on the loan begins to accrue. The student must begin repayment on the interest and principal in the seventh month after leaving school.

473. Since 1998, to help borrowers repay their loan, students are allowed to claim a 17 percent federal tax credit on the interest portion of the amount paid on their loan in the current year.

474. Borrowers who experience difficulty in repaying, due to low income, may apply for up to 30 months of Interest Relief anytime during the lifetime of the loan. This allows for the deferral of payments while the federal government pays the interest to the lender. Students who exhaust 30 months of interest relief will be asked to extend the repayment period of their loans from 10 to 15 years, thus reducing the monthly payment. If this reduction is still not sufficient to allow them to repay their loans in good order, Interest Relief could be extended to 54 months during the five years after their leaving school. Borrowers who are still experiencing financial difficulties after five years may apply to have their loan principal reduced through the Debt Reduction in Repayment; the maximum amount of reduction is $10,000 or 50 percent of the loan, whichever is less.

475. The Part-time Loans Program is based on the assumption that most part-time students are working and have their living costs covered. Assistance is therefore provided to help students cover education costs only. Interest accrues from the date of negotiation and

interest payment starts after 30 days. The maximum part-time loan a student may have outstanding at any given time is $4,000.

476. The federal government offers non-repayable assistance in the form of Canada Study Grants to students with disabilities (grant maximum of $5,000 per loan year), high-need part-time students (grant maximum of $1,200 per loan year), female doctoral students enrolled in certain PhD programs (grant maximum of $3,000 per loan year for up to three years) and students with dependants (grant maximum of $3,120 per loan year).

477. As a key part of the strategy, the Government of Canada established the Canada Millennium Scholarship Foundation in June 1998, as an independent body to manage a $2.5 billion endowment from the Government of Canada and award some 100,000 Canada Millennium Scholarships annually to post-secondary students across Canada. This initiative aims to help Canadians gain access to post-secondary education and participate in today's knowledge-based economy.

478. The Canada Education Savings Grant (CESG) provides an incentive for individuals to save in Registered Education Savings Plans (RESP). For the first $2,000 saved each year in an RESP for Canadian children aged 0-17, an additional 20 percent (up to a maximum of $400 per year) will be contributed by the CESG. The aim is to encourage families to prepare their children from an early age for the financial, social, and academic aspects of post-secondary education. Since the inception of the program, the number of RESP contracts has more than doubled and the number of beneficiaries has been increasing steadily. By March 2000, 15 percent of Canadian children were beneficiaries of an RESP and 1.1 million beneficiaries were receiving grants. Savings in RESPs increased from $2.4 billion in 1997 to $6 billion by the end of 1999, a 150 percent increase in assets. CESG is delivered in co-operation with the financial services industry and several Government of Canada departments.

Measures to promote education and literacy

479. Human Resources Development Canada (HRDC) is supporting a number of key post-secondary initiatives of the Council of Ministers of Education, Canada (CMEC). In particular, the Accessibility and Research initiative, builds on The Public Expectations of Post-Secondary Education Project (initiated in 1998). Through the Accessibility and Research Project, the CMEC is working with all jurisdictions and key stakeholders to review barriers to accessibility of post-secondary education and identify ways of enhancing access to post-secondary education.

480. CanLearn Interactive Products Group (CIPG) was launched in October 1999. It was created through a broad-based partnership of all provincial/territorial governments, 25 national learning stakeholder organizations and several private sector corporations. Through the CanLearn Interactive Web site, CIPG offers a one-stop Internet-based resource for learning information to support informed decision making and life-long learning by Canadians (http://www.canlearn.ca/). The site promotes informed decision making by Canadians in the selection and financing of learning opportunities.

Individuals are provided with online access to interactive planning tools to help them explore career possibilities, identify learning requirements, develop learning strategies and create financial plans to achieve their learning goals.

481. HRDC's Office of Learning Technologies (OLT) is working with partners such as learning institutions, community organizations, business, labour, not-for-profit associations and governments to expand innovative learning opportunities through the use of technology. It supports the research, development and demonstration of learning technologies. OLT's budget is increasing from $6 million per year in 1997-1998 to reach over $18 million per year starting in 2001-2002.

482. The OLT has established funding programs in three key areas:

- New Practice in Learning Technologies (NPLT) — The NPLT funds projects that contribute to the understanding, development and awareness of new effective practices in using technologies with adult learners, particularly with those who traditionally face barriers to learning.
- Community Learning Networks (CLN) — In partnership with community organizations, CLN supports pilot projects that develop new models or enhance existing exemplary models to promote and increase access to learning opportunities within and across communities through the use of technologies.
- Learning Technologies in the Workplace (LTW) — The LTW funds projects that expand opportunities for learning and skills development in the workplace through the implementation of technology-enabled learning solutions for workers.

483. Given the nature, complexity and rapid evolution in fields related to learning technologies, the OLT must continually strive to remain current on emerging trends, issues and challenges facing adult learners. OLT works with an Advisory Network of Experts, consisting of some 70 members from the academic community, private sector, public sector, and non-government organizations. This Network of Experts provides information and advice on a broad range of issues related to learning technologies. The OLT is developing a new funding program that will support research in areas related to OLT's three key initiatives. OLT also facilitates the sharing of knowledge and information about learning technologies through its Web site (http://olt-bta.hrdc-drhc.gc.ca/).

484. The Learning Initiatives Program (formerly the Learning Initiatives Fund) was established in 1994 to support key pan-Canadian lifelong learning initiatives while encouraging partnerships between the learning community, governments and the private sector. Its objective is to support HRDC's interest in promoting a lifelong learning culture in Canada and more specifically, to encourage and support partnership initiatives that will contribute to the development of a more results-oriented, accessible, relevant and accountable learning system. This includes supporting initiatives that enhance research and analysis, increase academic mobility (both national and international), and promote learning information dissemination.

485. In 1997-1998, the budget for the National Literacy Secretariat (NLS) increased by 31 percent to $29.3 million. The increase was earmarked for family and workplace literacy projects as well as research. Since then, the NLS has encouraged a number of provinces to focus their efforts on family literacy initiatives.

486. The NLS has relied on the International Adult Literacy Survey (IALS) findings and proposed areas for further study to identify and develop projects with its partners. Based on a survey which was conducted in 1994, in the summer 2000, the Organisation for Economic Co-operation and Development and Statistics Canada released the final report of the International Adult Literacy Survey, *Literacy in the Information Age*. The report compares the literacy skills in 20 countries: Australia, Belgium (Flanders), Canada, Chile, Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Sweden, Switzerland, the United Kingdom and the United States. Some of the key findings are:

- On the prose literacy scale, Canada ranked fifth among the 20 countries surveyed, behind Sweden, Finland, Norway and the Netherlands;
- On the document and quantitative literacy scales, Canada ranked eighth and ninth respectively;
- Canada consistently outranked the United Sates, the United Kingdom, Australia and New Zealand on all three literacy scales;
- Canada was second only to Sweden in terms of the proportion of adults aged 16 to 65 at the very highest literacy levels.
- Among Canadian participants there was a large range between very high and very low scores on the prose literacy scale. IALS showed that the discrepancy between people with low and high literacy skills was far larger in Canada than in European countries such as Denmark, Norway, Germany, Finland and Sweden.

Mother-tongue instruction

Official languages

487. Linguistic duality is a vital element in the maintenance of Canadian diversity and search for excellence. To energize this linguistic duality and in compliance with section 23 of the *Canadian Charter of Rights and Freedoms*, the Government of Canada intends to provide young Canadians in minority language situations (English in Québec and French elsewhere in the country) an education of comparable quality to that available to the majority and expand access to Francophone post-secondary education in all regions of the country.

488. In March 1998, the federal government announced additional support to official language teaching of $684 million over five years. This funding increase enabled the Department of Canadian Heritage (PCH) to substantially augment the amounts paid to the provinces and territories for education in the minority language and the teaching of French and English as second languages. At the same time, the implementation of special measures for investment in education helped to consolidate expertise in school management and the

network of post-secondary institutions. In this context, a federal contribution of $90 million over five years was granted to the Ontario government in June 1998 to upgrade French-language school management in that province.

489. In January 1999, the Government of Canada announced the creation of the *Centre national de formation en santé* (CNFS), a French-language national health training centre. The project's management was handed to the University of Ottawa and the Centre is working in partnership with health institutions across the country and with post-secondary institutions serving minority Francophone communities in various parts of Canada. The CNFS intends to provide members of minority French-speaking communities across Canada with increased access to post-secondary programs leading to health-related occupations.

490. Also in 1999, PCH made a $3.5-million grant to the *Regroupement des universités de la francophonie hors Québec* to implement the *Réseau national d'enseignement universitaire en français* that gives thousands of Francophone students from across Canada access to the best resources in French in their various fields of study without having to leave their own regions.

491. PCH also ensures the promotion of second language instruction. The steady increase in levels of bilingualism among youth proves the effectiveness of this activity. Statistics Canada's 1996 census data revealed:

- an increase in the level of bilingualism in each province and territory except for Saskatchewan, where the percentage remained stable.
- 17 percent of Canadians (5 million) speak both official languages compared to slightly over 16 percent in 1991 and 13 percent in 1971.
- 24.4 percent of young Canadians aged 15 to 19 are bilingual (this is the most bilingual generation in Canadian history).

492. As a result of the federal government's financial assistance to provincial and territorial governments for the teaching of French or English as a second language, more than 2.7 million young Canadians are learning their second official language, over 300,000 of them in immersion classes. The budget increases announced in March 1999 will make it possible to increase the number of students enrolled in these programs and strengthen the networks of parents and agencies working to promote second language instruction.

493. In 1997-1998, PCH announced a five-year renewal of the Summer Language Bursary Program and the Official Language Monitor Program. Over 7,000 post-secondary students enter these programs every year. The first one enables young people to take immersion French or English courses in the summertime. The second offers students full-time or part-time employment in their mother tongue to help English or French second language teachers with their work.

Aboriginal languages

494. There are more than 50 Aboriginal languages in Canada, most of them threatened with disappearance or extinction. The Government of Canada wants these languages preserved, protected and taught to current and future generations: to this end it granted $20 million in 1998 to the Aboriginal Languages Initiative of PCH. Aboriginal organizations take on the program management and delivery. This program complements the current Aboriginal language teaching programs in schools by placing the emphasis on Aboriginal language instruction in communities. Funding was also provided in support of Aboriginal languages through the Canada/Northwest Territories cooperation Agreement for French and Aboriginal Languages, and the Canada/Yukon Cooperation and Funding Agreement on the Development and Enhancement of Aboriginal Languages.

Other initiatives

495. While the education of children is under provincial jurisdiction, and as such, Citizenship and Immigration Canada's language training is delivered solely to adult immigrants, CIC nevertheless has taken measures to address the needs of children. The Host Program has been matching Canadian families with newcomer families since it 1986 to mitigate the isolation and emotional burden of moving to a new country, and to assist in creating more welcoming communities for newcomers to Canada. Since 1991, the Host Program has experimented with various youth models across the country. Through peer matching or buddy programs, immigrant and refugee youth are able to practice French or English, obtain assistance with their schoolwork and learn about Canadian culture through games and play with Canadian children. In 1998, Ontario Region introduced the Settlement Workers in Schools Program, as a result of province-wide consultations on newcomer settlement needs. The Program works in partnership with municipal school boards to assist newcomer students and their families within the school system.

496. Canada recognizes that teachers play a key role in preparing youth for the challenges of a changing society and knowledge-based economy. Launched in 1993, the Prime Minister's Awards for Teaching Excellence honour exceptional elementary and secondary school teachers in all disciplines based on their ability to achieve outstanding results with students, to inspire them to learn and continue learning, and to equip them with the knowledge, attitudes and abilities they will need to succeed in the future. Award recipients' best teaching practices are promoted and shared with other educators. The program is administered with advice and support from most major education stakeholders in Canada and with funding from corporate partners.

International cooperation

497. CIDA's Draft Basic Education Action Plan recognizes education as a human right that all people possess, regardless of gender, race, age, socio-economic status, disability or geographic location. The Action Plan promotes education as a critical tool for poverty reduction, and as an indispensable means for effective participation in the societies and

economies of the twenty-first century. CIDA's spending on education was $41 million in 1999-2000.

498. Canada continues to participate actively in the *Program for North American Mobility in Higher Education* and the *Canada-European Community Program for Co-operation in Higher Education and Training*. Established in 1995, these programs support international mobility opportunities for Canadian students. The key objective is the development of knowledge, skills, and competencies to ensure successful participation of young Canadians in the global economy.

499. Student mobility is arranged via sustainable multilateral partnerships of universities and colleges which ensure tuition fee waiver and credit transfer. Participating higher education institutions also collaborate on the innovative use of new educational technologies to develop joint courses, teaching materials and strategies for the benefit of 'non-mobile' students who are unable to study abroad.

500. Projects span a diverse range of subject areas in higher education, including business, engineering, environment, agriculture, health, law and science, at both the undergraduate and graduate levels. To date, more than 60 Canadian post-secondary institutions are participating in projects under these programs, providing opportunities for approximately 400 Canadian students to undertake international placements in other countries each year.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

501. Canada's artistic and cultural sector produces a wide range of goods and services in all the country's territories and provinces. The Canadian cultural sector consists mainly of small and medium-sized enterprises and includes entrepreneurs who are women, Aboriginal people or youth. The artistic and cultural content expresses Canadian identity, values and diversity.

502. During the 1998-1999 fiscal year, all orders of government in Canada together spent about $6 billion on culture. Of this, the federal government contributed $2.8 billion, provincial and territorial governments $1.8 billion and municipal councils $1.3 billion.

503. Broadcasting absorbs more than half of all federal spending on culture. The federal government has devoted an additional $392 million to heritage treasures. In 1998-1999, the provinces spent $694 million for libraries, and municipalities spent $1.08 billion.

504. The Department of Canadian Heritage continues as the federal department responsible for promoting culture and cultural identity.

Linguistic minorities

505. The Department of Canadian Heritage (PCH) has a series of programs that help people to discover and appreciate Canada's linguistic duality. These programs encourage

exchanges between Francophone and Anglophone Canadians and promote the economic, social and cultural benefits of this duality.

506. Through Canada-community agreements with each of the provincial and territorial official language communities and with national Francophone agencies, the Department helps to fund the activities of more than 350 community lobbying, service, animation and educational agencies. The annual injection of $10 million into the program budget announced in 1999 brought its annual funding to the unprecedented level of nearly $32 million. This budget increase made it possible to conclude a new series of Canada-community agreements, support cross-Canada projects with long-term impacts on community development and introduce new initiatives and ranges of economic, social and cultural activities. Examples are the inauguration of the first satellite network of Francophone community radio stations in Canada, and the Multipartite Cooperation Agreement on the Artistic and Cultural Development of Canada's Francophone and Acadian communities.

507. Moreover, PCH, in conjunction with other federal departments, ensures the implementation of sections 41 and 42 of the *Official Languages Act*. This initiative includes building awareness in departments of community needs, mainly in terms of cultural, human resources and economic development, community consultation, the preparation of an action plan for federal institutions and submission of an annual report to the Canadian Parliament. This co-ordinator role leads to the introduction of major economic, cultural and human resources development projects in minority official language communities across the country.

508. As part of the general increase in official languages support programs announced in 1999, the Department is committed to giving new impetus to the government's obligation to minority official language communities by setting up the Interdepartmental Partnership with the Official Language Communities. This new initiative was launched to establish lasting partnerships and strengthen existing ones between minority official language communities and federal agencies.

509. The agreements on the promotion of official languages reached with provinces and territories authorize the introduction or improved delivery of provincial and territorial services in the minority official language. These services may involve the administration of justice, health and social services or economic and community development. In March 1999, a $4-million increase was announced in the annual budget of these agreements for a new total of $13.4 million. This increased funding will make it possible to expand the range of services provided by provinces and territories and help to conclude an initial agreement with Nunavut.

510. PCH promotes the significance of linguistic duality as indissociable from the Canadian experience, not only as a source of vitality but also as an asset for Canada's economic, cultural and social development internationally.

511. As the result of a study published by Canada's Commissioner of Official Languages in August 1999 containing a series of recommendations for improving the status of French on the Internet, the Government of Canada made a commitment to the "creation and distribution of Canadian content in both official languages to benefit the entire Canadian population [as] a primary objective."

512. *Francommunautés virtuelles* is a federal program created by Industry Canada (http://francommunautes.ic.gc.ca/). The program is designed to help Canada's Francophone and Acadian communities take full advantage of information and communications technologies. The objectives of the program are to increase content, applications and services in French on the Internet and to promote networking among Francophone and Acadian communities throughout Canada. Since 1998, French-speaking and Acadian communities in all parts of Canada have initiated 74 projects creating new networks, enhancing information technology skills among their members, and contributing to the growing body of on-line content in French.

Aboriginal people

513. The Cultural/Educational Centres Program provides financial assistance to First Nations and other Aboriginal organizations to preserve, develop and promote Aboriginal culture and heritage. In partnership with the National Association of Cultural Education Centres, the program supports more than 110 centres across Canada, and helps enable First Nations and Inuit people pursue objectives such as: to revive and develop traditional and contemporary cultural skills of Aboriginal people; to conduct and/or facilitate research in Aboriginal heritage and culture; to increase Aboriginal peoples' knowledge and use of their traditional languages; and, to promote cross-cultural awareness in mainstream educational programs and institutions.

514. The Aboriginal Digital Collections is a unique pilot program by Industry Canada which helps Aboriginal Canadians to preserve, celebrate and communicate their heritage, languages and contemporary life by developing and accessing materials over the Information Highway (http://collections.ic.gc.ca/e/adc.asp). The program has paid Aboriginal youth to create Web sites featuring significant Canadian Aboriginal material. The material can range from information on Aboriginal businesses and entrepreneurship to traditional knowledge and contemporary issues, such as the preservation of Aboriginal languages.

515. For the first time, a widely available television network was launched on September 1, 1999, to give First Nations, Inuit and Métis people in Canada the opportunity to share their stories and culture. The Aboriginal Peoples Television Network is a national television network dedicated to Aboriginal programming which offers Canadians a window into the diverse worlds of Indigenous peoples in Canada and throughout the world.

516. The Northern Native Broadcast Access Program from Canadian Heritage, provided funding to 13 Aboriginal communications societies for the production and distribution of both radio and television programming for Aboriginal audiences.

517. Canada has supported a number of partnerships and special activities that highlight the objectives of the International Decade of the World's Indigenous People. The National Aboriginal Achievement Awards, established in 1994, each year highlight and honour Aboriginal men and women in Canada for their outstanding achievements in fields such as business, sports, arts, the environment, health, and public service. In 1996, the Canadian government designated June 21st as National Aboriginal Day so that all Canadians may share and experience the cultures of Indians, Inuit, and Métis in Canada. Funding provided to organizations and communication societies under the Aboriginal People's Program of PCH facilitate their involvement in the International Decade of the World's Indigenous People.

Multiculturalism

518. The Canadian Race Relations Foundation was created by an Act of Parliament on October 28, 1996. The Foundation, established to foster racial harmony and cross-cultural understanding and help to eliminate racism, officially opened its doors in November 1997. The federal government provided the Foundation with a $24 million endowment fund. It's annual operating budget comes from the income generated by investing the endowment fund as well as donations.

519. In 1997, the renewed Multiculturalism Program was announced. Canada's approach to diversity has evolved over the years and is embedded within a broad framework of civil, political, social, language and minority rights both nationally and internationally. The Multiculturalism Program continues to support, among other things, initiatives that facilitate the full and active participation of ethnic, racial, religious and cultural communities in Canadian Society.

520. The Metropolis Project is a major international interdisciplinary policy-research initiative designed to forge robust knowledge partnerships among researchers, policy-makers and communities to ensure that public policy in the area of diversity is forged on the basis of sound academic research.

521. This project has fostered cross-government dialogue on a vast array of issues emerging from an increasingly diverse population. The result has been a dramatic increase in nationally and internationally comparative research on best practices and issues arising from diversity. This, in turn, has led to an increasing awareness among policy-makers, researchers, and community organizations that to revise, create and implement the best public policies requires partnership that extends to each level of the research endeavour.

Role of the media

522. The *Broadcasting Act* largely promotes cultural rights by requiring, among other things, that the Canadian broadcasting system encourage the development of Canadian expression and reflect the diversity of the Canadian population.

523. On June 8, 1998, in response to phenomenal personal computer and Internet access penetration growth among the Canadian population and a proliferation of companies involved in new media (or multimedia) in Canada, the Department of Canadian Heritage announced the creation of the Multimedia Fund. The Multimedia Fund, administered by Telefilm Canada, will receive $30-million over five years in order to bring together high technology and the creative endeavour. Specifically, the Multimedia Fund supports small- and medium-sized new media companies in the development, production and marketing of high-quality, original, interactive Canadian multimedia works in both English and French intended for the general public. The Fund provides citizens with greater access to Canadian cultural multimedia products, and assists in the growth and development of a Canadian multimedia production and distribution industry that is competitive in national and international markets.

524. Canada's Digital Collections showcases over 400 Web sites celebrating Canada's history, geography, science, technology and culture (http://collections.ic.gc.ca/). It also features a growing set of on-line educational resources, such as curriculum units, classroom activities, quizzes and games. One of the largest sources of Canadian material on the Internet, Canada's Digital Collections has employed more than 2,700 young Canadians to date, under contract to Industry Canada. The program is funded by the federal Youth Employment Strategy.

525. Given the importance of television as a cultural medium, in 1996, the Department of Canadian Heritage and Telefilm Canada partnered with private industry to create the Canadian Television Fund to maintain and increase the amount of high quality, distinctively Canadian programming for Canadian audiences. The Fund effectively promotes Canadian culture by encouraging productions in the essential areas of drama, variety, children's shows, documentaries and performing arts in English, French and Aboriginal languages.

526. The new *Canadian Television Policy Framework*, released in June 1999, is a key document which outlines the obligations of broadcasters. It includes rules on ownership, Canadian content, priority programming, local and regional news coverage, advertising limits, social issues and cultural diversity. Guided by the policy framework, the Canadian Radio-television Telecommunications Commission (CRTC) expects all television broadcasters, as a condition of their licence, to state their specific commitments to accurately reflect the presence of cultural and ethnic minorities and Aboriginal people in the communities they serve. Furthermore, licensees are expected to ensure that the on-screen portrayal of all minority groups is accurate, fair and non-stereotypical.

527. The Government places a high priority on protecting the unique Canadian voice and identity by helping Canadian writers, publishers, magazine, and booksellers to thrive in the global economy and digital age. Among the programs in place is the Book Publishing Industry Development Program (BPIDP) which contributes $31 million annually to ensure the creation, publication, and distribution of Canadian-authored books, both domestically and internationally by supporting a viable Canadian-owned industry. Among the ongoing successes of the BPIDP is its key role in supporting works by important Aboriginal Canadians through its support of Native-run publishers.

528. The Canada Magazine Fund was created in 1999 as the key public policy instrument to support the Canadian magazine industry in a changing competitive environment. This program invests $50 million in the Canadian magazine industry each year to offset the cost of producing original Canadian editorial content, to support projects aimed at the business development of small magazines and projects designed to strengthen the infrastructure of the industry as a whole. The Publications Assistance Program offsets the costs of distribution by subsidizing eligible magazines' mailing costs, thus lowering the cost of reaching Canadian readers. These programs create a balanced approach by strengthening the Canadian magazine industry while respecting Canada's international obligations, therefore employing a combination of regulation and appropriate financial assistance.

529. In 1997, following the recommendations of a task force on the future of the Canadian sound recording industry, funding to the Sound Recording Development Program (SRDP) was increased by $15 million over three years. The SRDP supports Canadian artists, companies and not-for-profit organizations involved in the sound recording industry, with components that provide funding for mainstream and specialized music recordings, artist tours and showcases, business development initiatives and research to support government policy.

530. Following its review of private radio policy framework in 1997, the Canadian Radio-television and Telecommunications Commission (CRTC) increased its minimum requirements for airplay of "Canadian content" musical selections from 30 percent to 35 percent for most mainstream radio formats effective January 1, 1999. This gives further support to emerging and established Canadian artists. Also, as part of the new framework, provisions were made to ensure that Canadian musical talent continued to benefit even while greater consolidation in the market place was permitted. Thus, 6 percent of the value of a transaction where ownership of a radio station changed hands is required to support Canadian talent development initiatives.

531. The National Film Board of Canada (NFB) produces and distributes films and other audiovisual works which reflect Canada to Canadians and the rest of the world. Its collection of more than 10,000 films includes a large number of films made for or about children.

532. Telefilm Canada provides the film, television and multimedia industries with the financial support to producing high-quality works that reflect Canadian society.

533. Recognizing that cultural expression is closely bound to a country's identity, that feature film is one of the richest forms of art and that it is an influential and vibrant medium, the Government of Canada launched a full review of its intervention in this area in February 1998. Despite the success Canadian filmmakers have achieved over the last 30 years, they still face formidable odds in bringing their works to local movie audiences. Involving a comprehensive consultation process with all interested stakeholders, the review was designed to help set a course towards a future where more Canadians have access to Canadian films playing in their local cinemas — films that reflect their own locales, their own stories and their own culture.

Preservation and presentation of cultural heritage

534. In 1999, the Museums Assistance Program (MAP), which fosters access and understanding of Canadians to their cultural, natural, artistic and scientific heritage, saw its funding go from $7.2 million to $9.2 million. MAP's priorities are projects that convey Canadian history and highlight interprovincial perspectives; promote and support the development of Aboriginal museums; and support and promote exchanges and dialogue between Canadian museum organizations and sector professionals.

535. The Canada Travelling Exhibitions Indemnification Program was created in 1999 as part of the Department of Canadian Heritage. By creating this program, the Government of Canada absorbs costs arising from loss or damage to objects and accessories in an eligible travelling exhibition. The indemnification program has two objectives: to give Canadians greater access to Canadian and world heritage by means of exchanges of objects and exhibitions in Canada and to provide a competitive edge to Canadian museums, libraries and archives when they are up against foreign institutions for loans of prestigious international shows.

536. In 1997, the Canadian Museum of Nature, a Crown corporation, inaugurated the Natural Heritage Building (NHB) as its scientific and administrative headquarters. Embodying the latest high-technology building techniques, the NHB is specially designed to meet the security and conservation standards needed to safeguard Canadian natural history collections. The mission of the Canadian Museum of Nature is to bring the public to take more interest in the natural environment so that nature becomes better known, respected and appreciated.

537. In 1997, the Government of Canada inaugurated the new National Archives of Canada building. Its Preservation Centre contains the documentary heritage of Canadians. The building includes laboratories and storage rooms with public and private archival records of all kinds: paper and electronic records, maps, architectural drawings, photographs, films, philatelic records, documentary art and so on. The National Archives helps to preserve and safeguard Canadians' heritage.

Protection of artistic creation and production and intellectual property rights

538. Intellectual property issues have become important to First Nations seeking to protect traditional knowledge. Canada has worked in partnership with Aboriginal organizations to further the discussion of issues related to intellectual property. In 1999, the Government of Canada published *Intellectual Property and Aboriginal People: A Working Paper*. This paper outlines intellectual property issues from an Aboriginal perspective, and its contents are presented as a guide for Aboriginal people and communities and as a basis for discussion of issues relating to intellectual property and traditional knowledge.

539. In April 1997, Canada concluded a reciprocal bilateral agreement with the United States which provides for mutual assistance in the investigation of cases of illegally exported archaeological and Aboriginal cultural property, and in the return of any such property to its country of origin. This furthers the protection provided to cultural property in both countries as signatories to the 1970 UNESCO Convention on illicit traffic in cultural property, and protects that property in the interests of citizens of Canada and the United States.

540. In November 1997, the Government of Canada returned three groups of illegally exported cultural property to its countries of origin: Peru, Mexico and Colombia, as part of its treaty obligations under the 1970 UNESCO Convention. The Convention, implemented in Canada through the *Cultural Property Export and Import Act*, is a major instrument in the fight against illicit traffic, and ultimately contributes to the protection of cultural diversity and national patrimony in signatory states.

541. In March 1999, Canada acceded to the 1954 *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*. Canada also, at the time, participated in a Diplomatic Conference which sought to improve the Convention (and resulted in a new Protocol to it) in ways that among other things, recognizes the increased threat to cultural property seen in recent conflicts of an ethnically based, non-international nature, in which cultural property has become a deliberate target in the violation of cultural rights.

542. Each year, the Government of Canada, through the *Income Tax Act* and the *Cultural Property Export and Import Act*, provides for exemptions from the payment of capital gains tax for cultural property certified by the Canadian Cultural Property Export Review Board, when sold or donated by individuals to designated institutions or public authorities in Canada. Gifts of certified cultural property to designated institutions and public authorities are also eligible for a tax credit to offset the tax on up to 100 percent of net income. The value of certified cultural property donated or sold to Canadian public institutions under these tax incentives totals over 100 million dollars annually.

543. One of the most important provisions of the *Cultural Property Export and Import Act* concerns the availability of grants and loans to help designated institutions acquire objects that have been refused export licences as well as objects of Canadian heritage

interest currently in other countries. Under this provision, the Government of Canada pays out around $1 million in grants and loans a year.

544. Contribution to the domestic capacity goals of the *International Covenant on Economic, Social and Cultural Rights* were realized through amendments to the *Canadian Copyright Act,* which were completed in 1997. Accomplishments directly related to the adoption of the amendments were wide in scope. They:

- provided new remuneration rights to producers and performers of sound recordings when their sound recordings are broadcast or publicly performed by radio stations and in public places;
- created a compensation system for private copying, in the form of a levy on blank audio tapes, benefiting eligible composers, lyricists, performers and producers of sound recordings for the unauthorized making of recordings;
- provided exclusive book distributors with legal protection in the Canadian market market;
- created a number of new exceptions to non-profit educational institutions, libraries, archives, museums, broadcasters and persons with perceptual disabilities allowing them to reproduce copyright material in specific circumstances without paying royalties or obtaining authorization from rights holders;
- enacted statutory damages and wide injunctions to enhance the enforcement of copyright, and modernized the language in the *Copyright Act*;
- enabled Canada to accede to the Rome Convention and the most recent version of the Berne Convention.

545. As a member of the World Intellectual Property Organization (WIPO), in December 1997, Canada signed the two treaties that were adopted at the WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions in Geneva, December 2 to 20, 1996: the *WIPO Copyright Treaty* and the *WIPO Performances And Phonograms Treaty*. And, in 1998 Canada undertook research and consultations on legislative amendments that would be required to ratify these treaties.

International cooperation

546. Since 1994, the International Exhibitions Program of the Department of Canadian Heritage has made it possible to offer more than 20 foreign exhibitions in nearly 100 Canadian museums and art galleries, helping Canadians to gain a better knowledge of world cultural heritage.

547. The International Affairs Branch of Canadian Heritage has been working at several levels to preserve and promote the rights of all Canadians to participate in the cultural life of their country. Through participation in international expositions, advancing the linguistic and cultural rights of french speaking Canadians through participation in La Francophonie, as well as through advancing cultural rights through bilateral and multilateral cooperation, International Affairs Branch has been contributing to meet Canada's obligations under the Covenant.

548. Through the establishment of the International Network on Cultural Policy in 1998 and as host of the international secretariat for the organization, Canada has contributed to a global dialogue on how to preserve and promote various forms of cultural expression in a context that respects all fundamental human rights and freedoms. Canada has actively advocated and examined these issues at various fora. This includes leading a hemispheric dialogue on culture and cultural diversity at the Summit of the Americas in Québec City in April 2001. Ensuring effective international dialogue on cultural rights is an important strategy in sharing of promising practices that contribute to universal enjoyment of cultural rights.

Right to benefit from scientific progress and its applications

Institutional infrastructure

549. In 1996, the National Advisory Board on Science and Technology was replaced by the Advisory Council on Science and Technology (ACST) to advise the Prime Minister and Cabinet on critical science, technology and innovation issues. Since this time they have produced the following reports:

- "Public Investments in University Research: Reaping the Benefits; Report of the Expert Panel on the Commercialization of University Research," ACST, May 1999
- "Stepping Up; Skills and Opportunities in the Knowledge Economy," ACST, October 1999
- "Reaching Out; Canada, International Science and Technology, and the Knowledge-based Economy," ACST, June 2000
- "Creating a Sustainable University Research Environment in Canada; The Role of the Indirect Costs of Federally Sponsored Research," ACST, September 2000

550. In 1996, the government issued a federal strategy for science and technology, Science and Technology for the New Century, that set out the goals for the federal investment and principles to assist departments in working toward those goals. A key theme of the Strategy was the federal role in building the Canadian innovation system. Science and Technology for the New Century called for a greater reliance on external advice which resulted in the creation of the Council of Science and Technology Advisors (CSTA) in 1998. The CSTA provides the Canadian Cabinet, with external expert advice on internal federal government science and technology issues requiring strategic attention. The CSTA is chaired by the Secretary of State for Science, Research and Development.

551. In April 1998, the CSTA held its inaugural meeting and established two sub-committees to undertake the tasks requested by the Canadian Cabinet. The CSTA released its report *Science Advice for Government Effectiveness* (SAGE), in May 1999. The report recommended a set of principles and guidelines for the effective use of science advice in decision-making.

552. The CSTA has produced a number of additional reports that fall outside this reporting period. Reports of the CSTA, as well as supporting documents, can be found on the CSTA Web site (http://csta-cest.gc.ca). The CSTA's reports and their findings are having a positive impact, with a number of science-based departments and agencies independently moving forward on report recommendations.

Highlights of federal initiatives

553. The Networks of Centres of Excellence (NCE) Program is an innovative approach to building partnerships between universities, industry and government to work together on problems of strategic importance to Canada. The program provides funds to support networking collaborations between university, industry and government researchers. The program was initiated in January 1988 and made permanent in 1997 with an annual program budget of $47.4 million which was increased by $30 million starting in 1999. There are 22 nation-wide, multi-disciplinary networks in areas ranging from biotechnology to telecommunications. Four new networks were chosen in 1998, three in 1999 and four in 2000, by peer-review selection committees. The Networks of Centres of Excellence Program has produced significant discoveries, and has fostered dynamic and productive university-industry collaboration, helping to accelerate technology development and application.

554. The Canada Foundation for Innovation (CFI), which was created in 1997, is an arm's length organization, established by legislation, that reports to Parliament through the Minister of Industry. Its main goal is to provide financial assistance for the modernization of research infrastructure in Canadian universities and colleges, research hospitals and not for profit research institutes in the fields of health, environment, science and engineering. By investing in research infrastructure projects, the CFI supports research excellence, and helps strengthen research training at institutions across Canada. The CFI supplies on average 40 percent of a project's costs — the remaining 60 percent is supplied by partners in the public, private and voluntary sectors (particularly provincial governments).

555. The Canada's SchoolNet program, a joint federal, provincial and territorial initiative, helped connect 500,000 computers in schools and libraries across Canada. This initiative provides Canadians educators, librarians and students with valuable electronic learning tools and services, and encourages the development of information-technology skills.

556. A national network of 8,800 community access sites was established to create new and exciting opportunities for growth and jobs and to help provide rural and urban communities affordable access to the Internet, as well as the skills to use it effectively. These public Internet access sites serve as information highway "on ramps."

557. In addition, the Computers for Schools Program (CFS) was established to enable schools and libraries to have better access to computers and supporting software to allow them to take full advantage of the new information technologies. In collaboration with educational institutions, communities, businesses and provincial and territorial

governments, CFS has delivered more than 250,000 refurbished computers to schools and libraries, free of cost.

558. Industry Canada supports people with disabilities through providing information and support to the assistive technologies industry and to the rehabilitation engineering research sectors. The department is a leader in the development of accessible Web standards and multiple format production standards to provide accessible information for all Canadians. Departmental staff also work on the development of other standards to provide an accessible living and working environment for Canadian citizens.

Expenditures for scientific activities

559. Canada's total expenditures on research and development amounted to $13.367 billion in 1994 and $15.703 billion in 1999; in proportion to the gross domestic product, they decreased from 1.77 percent in 1994 to 1.66 percent in 1999.

560. In 1999, the federal government spent $6.16 billion on science and technology activities without including federal research and development tax credits. About 58 percent of science expenditures are spent on activities done by the federal government itself. In addition, the federal government funds scientific activities in business enterprise, higher education, provincial governments, private non-profit organizations, and other Canadian and foreign organizations.

561. Extramurally, the largest recipients of federal government funds in 1999 are the higher-education sectors (19 percent) and the business sector (16 percent).

562. The government has made the commitment to make Canada one of the top five countries for research and development performance by 2010. This is a challenge for all Canadians, but in particular for the private sector as the largest research investor in Canada. As its contribution, the federal Government will at least double the current federal investment in research and development by 2010.

Technology transfer

563. The Expert Panel on the Commercialization of University Research was created in October 1998 by the Advisory Council on Science and Technology (ACST). The Panel's mandate was to provide independent, expert advice on options to maximize the social and economic benefits to Canada from the public investment in university research. The Panel completed its work in May 1999. Its report *Public Investments in University Research: Reaping the Benefits* is available on the ACST Web site (http://acst-ccst.gc.ca). The report calls for coherent university intellectual property policies, adequately resourced university commercialization offices, skills development measures, a competitive business environment and increased investments in university research.

Measures taken to promote the dissemination of information about technical progress

564. The mandate of the Research Branch of Agriculture and Agri-Food Canada (AAFC) is to promote the development, adaptation and competitiveness of the agriculture and agri-food sector through policies and programs that are most appropriately provided by the federal government. The overall goal is to help the sector maximize its contribution to Canada's economic and environmental objectives and achieve a safe, high quality food supply while maintaining a strong foundation for the agriculture and agri-food sector and rural communities. Research Branch's internet home page was redesigned to organize information into areas targeted at key audiences: scientists, industry, managers, reporters, and youth. The annual 200 page Directory of Research for 1998 was produced and made fully searchable on the Internet.

565. "CanExplore," a one-stop tool to search federal information resources in science and technology for sustainability, was launched. Developed through a cooperative agreement with Environment Canada, Fisheries and Oceans Canada and Natural Resources Canada, it indexes more than 200,000 Internet documents (http://canexplore.gc.ca/).

566. "Agvance" and "Connect with Research" were posted on the Internet. A search engine can explore Agvance for stories on sustainability. "Connect with Research" describes work done to achieve sustainable agriculture in 10 commodity areas, with contact names.

567. The Research Branch produced and promoted "Earth Tones" videos for the Discovery Channel and the Internet. The series packages sustainability stories into themes related to climate change, health, toxins in air and water, biodiversity, and citizen engagement. Internet material forms the basis for "Cable in the classroom," a teaching tool using the videos and lesson plans to reach 12-16 year old children in school.

568. The Research Branch has also initiated actions to collaborate with provinces, universities, and industry to undertake the development, and encourage the transfer of innovative, affordable agriculture technologies.

569. The on-line Canadian Rural Information Service's (CRIS) Environmental Directory provides links to a wide range of agricultural and rural environmental sites. CRIS responds to inquiries through the Internet, telephone, fax, mail and e-mail.

Protection of authors' moral and material interests

570. The principal laws that protect the moral and material interest resulting from scientific, literary or artistic productions are: the *Patent Act*, R.S.C., c. P-4, the *Plant Breeder's Right Act*, R.S.C., c. p-14.6, the *Trade-marks Act*, R.S.C., c. T13, *Copyright Act*, R.S.C., c. C-42, the *Industrial Design Act*, R.S.C., c. I-9 and the *Integrated Circuit Topography Act*, R.S.C., c. I-14.6.

Part IV

Measures Adopted by the Governments of the Provinces

British Columbia

Introduction

Aboriginal people

571. The Government of British Columbia and the First Nations Summit have developed a six-stage process for negotiating treaties:

1. The Statement of Intent
2. Preparation for Negotiations
3. Negotiation of a Framework Agreement
4. Negotiation of an Agreement in Principle
5. Negotiation to Finalize a Treaty
6. Implementation of the Treaty

The process is voluntary and is open to all First Nations in British Columbia. Additional information on the six-stage treaty process can be found on the Web site of the Treaty Negotiations Office, at http://www.gov.bc.ca/tno//negotiation/process/six_stage_process.htm.

572. The Ministry of Aboriginal Affairs has primary responsibility for treaty negotiations in British Columbia. Through treaties and other negotiated agreements, the Ministry works with First Nations to enhance self-reliance in Aboriginal communities both on and off reserve and to build a society in which Aboriginal people can fulfil their aspirations for self-determining and self-sustaining communities.

573. By way of background, while Aboriginal people make up only 2.8 percent of the total Canadian population, British Columbia's 200 bands account for approximately 17.5 percent of that national statistic. Of the province's 200 bands, approximately 125, or 62.5 percent, are participating in the British Columbia Treaty Commission process.

574. During the reporting period, the following strides were taken under the British Columbia Treaty Commission process:

- an additional 10 First Nations initiated the six-stage process by submitting their Statement of Intent;
- 43 tables were declared ready to begin negotiations and thus completed the second stage of the six-stage process;
- 36 tables completed the third stage of the treaty process by signing a Framework Agreement; and
- the Sechelt Nation completed the fourth stage of the treaty process by signing an Agreement in Principle.

575. For more detailed information on the status of treaty negotiations under the BC Treaty Commission model, please refer to the to the Web site of the Treaty Negotiations Office, at http://www.prov.gov.bc.ca/tno/.

576. In addition, outside the British Columbia Treaty Commission process, negotiations with the Nisga'a Nation resulted in an Agreement in Principle on March 22, 1996. On August 4, 1998, representatives of British Columbia, the Nisga'a Tribal Council, and the Government of Canada initialled the *Nisga'a Final Agreement* in a ceremony in the Nass valley, in the heart of traditional Nisga'a territory. Settlement legislation was then introduced in the province's Legislative Assembly on November 30, 1998. It was passed by a free vote of all Members of the Legislative Assembly on April 22, 1999. The *Nisga'a Final Agreement* is a significant achievement as it is the first modern treaty to be successfully negotiated in British Columbia. See the Introduction to the Government of Canada section of the present report for additional information on the *Nisga'a Final Agreement*. A copy of the Final Agreement can be found online at: http://www.gov.bc.ca/tno/popt/final_agreements.htm.

577. The Aboriginal Services Branch was established within the Ministry of Children and Families (MCF) in part to assist Aboriginal communities develop their capacity to deliver child and family services such as counselling, parenting programs, in-home support, and respite care pursuant to the *Child, Family & Community Services Act.*

578. In addition, the Branch has forged formal agreements with numerous Aboriginal child and family service agencies with the aim of devolving the authority of the provincial Director of Child Protection to First Nations communities. The Branch assists these delegated agencies in developing policies, practice standards, and a quality assurance program that meet or exceed MCF requirements. The rationale behind this devolution of services is to empower First Nations to deliver culturally appropriate services such that the responsibility for Aboriginal children and families is returned once again to the First Nations community of which they form a part.

579. Other MCF initiatives include the creation of a Strategic Plan for Aboriginal Services (SPAS); the establishment of the Federation of Aboriginal Foster Parents; the development of *Aboriginal Operational and Practice Standards*; and the distribution of culturally sensitive materials. Each initiative will be explained in turn.

580. With respect to SPAS, MCF developed the Plan through consultations with Aboriginal organizations and other key stakeholders. It was formally adopted in January 1999. Its four principal goals are:

- strengthen the capacity and authority of Aboriginal communities to develop and deliver services for children and families comparable to those available to any resident of British Columbia;
- strengthen the capacity of MCF to respond appropriately to the ongoing need for Aboriginal services while Aboriginal communities acquire such capacity;

- coordinate federal obligations within provincial jurisdiction to address outstanding issues of federal fiduciary responsibility for resources delivered to Status Indians, regardless of where they choose to live; and
- advocate within government for the development of viable Aboriginal economies and economic opportunities, which are vital to the health and well being of Aboriginal communities.

581. The Federation of Aboriginal Foster Parents was created in 1999. The intent behind its creation was to provide culturally sensitive services while promoting the integrity of First Nations' communities.

582. The *Aboriginal Operational and Practice Standards* were also implemented in 1999 for use by delegated Aboriginal child and family service agencies. It was thought that the creation of the Standards would assist delegated agencies to strengthen the capacity of First Nations' communities to deliver culturally appropriate services to their children and families. The Standards may be accessed online at http://www.mcf.gov.bc.ca/reports_publications.htm.

583. An example of the kinds of culturally sensitive material the Ministry has developed and distributed in the reporting period includes the booklet, *Aboriginal People and the Child, Family and Community Services Act* which is available online at http://www.mcf.gov.bc.ca/Aboriginal. This publication seeks to explain the various steps in child protection court hearings and the increased opportunities for Aboriginal communities to be involved in planning and delivering services and to assume greater responsibility for their children.

584. Finally, MCF has adopted internal policies to utilize culturally sensitive practices during child protection investigations and risk assessment determinations. To this end, it provides appropriate training to its employees. The ministry also makes use of specialized services, such as language and cultural interpreters as well as a cultural responsiveness team.

Article 2: Rights Specifically Subject to Non-Discrimination Provisions

585. The principal legislative tool to combat discrimination at the provincial level is the *Human Rights Code*. The Code protects against discrimination in four broad areas: employment, publications, sale and rental of property, and lastly, public services, facilities, and accommodation. The prohibited grounds of discrimination within these four areas include: race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, political belief, and age. The *Human Rights Code* is available online at http://www.qp.gov.bc.ca/statreg.

Article 3: Equal Rights of Women and Men

586. During the reporting period, British Columbia had its own freestanding ministry devoted to promoting equality between men and women. At the heart of the mandate of the Ministry for Women's Equality was the goal of economic equality for women.

587. The British Columbia Human Rights Commission and Human Rights Tribunal also played important roles in ensuring equality between the sexes. As noted in Article 2, the British Columbia *Human Rights Code* prohibits discrimination on the grounds of sex and family status. Approximately 80 percent of human rights complaints in British Columbia arise in the area of employment, one of the areas of focus of this Covenant. Thus, the human rights system is intimately connected with the province's efforts to ensure that both women and men enjoy equal economic, social, and cultural rights.

Article 6: Right to Work

General

588. During the reporting period, the unemployment rate improved from a high of 9.0 percent in 1994 to a low of 8.3 percent in 1999. Compared to the previous decade, the problem of unemployment has substantially improved. For example, in 1985, the unemployment rate in the province hovered around 14.5 percent. Most British Columbians work for the private sector; however there is a growing trend of self-employment. The following chart details the exact breakdown of employment over the private, public, and self-employed sectors.

BC Employment by Class of Worker

	Employees							
	Total		Public Sector		Private Sector		Self-Employed	
	('000)	% Change	('000)	% Change	('000)	% Change	('000)	% Change
1994	1,451.6	4.9	340.4	-1.0	1,111.2	6.9	302.7	3.6
1995	1,490.3	2.7	337.2	-0.9	1,153.1	3.8	302.4	-0.1
1996	1,500.0	0.7	331.9	-1.6	1,168.0	1.3	321.3	6.3
1997	1,507.6	0.5	333.4	0.5	1,174.2	0.5	361.4	12.5
1998	1,481.6	-1.7	330.5	-0.9	1,151.1	-2.0	388.7	7.6
1999	1,514.0	2.2	341.4	3.3	1,172.6	1.9	392.8	1.1

589. Women and men between the ages of 15 and 24 years have virtually identical participation rates in the labour market at just over two-thirds. However, this pattern

does not hold true for older workers. Roughly 90 percent of men aged 25-44 work in comparison to 78 percent of women. The gap between participation rates is even more pronounced amongst workers aged 45-64: on average, 80 percent of men in this cohort work compared to 62 percent of women. Women are also more likely than men to work part time: the 1996 Statistics Canada Census data shows that 34 percent of women working part time wished to have full-time employment. Women are over-represented amongst those who work in non-standard jobs such as "own account" (those who work by and for themselves), self-employment, and employment in the home. These differences likely related to the pressures family responsibilities place on women workers who perform significantly more unpaid work for the family than men.

590. It is also widely recognized that visible minorities and people with disabilities face greater challenges to full and equal participation in British Columbia's labour force. Of particular concern to the province is improving access by First Nations to employment opportunities. For further information regarding British Columbia's four employment equity groups (women, First Nations, people with disabilities, and visible minorities), please refer to the BC Stats' Web site at http://www.bcstats.gov.bc.ca.

Encouraging employment opportunities in the province

591. One exciting development in this reporting period was British Columbia's participation in the Canada-BC Infrastructure Works Program (IWP) which was signed on February 18, 1994, and "topped-up" April 18, 1997. The first phase of IWP resulted in about 400 community improvement projects involving 9,000 jobs. The second phase, announced in 1997, resulted in more than 200 projects and more than 2,600 jobs. Details are available online at http://142.36.102.61/ProgramsAndServices/Canada-BCInfrastructureProgram/default.htm.

592. More generally, the province continued its policies designed to generate employment opportunities such as loan guarantees, direct provincial grants, and coordinated public-sector capital investments. One of the most striking examples of this kind of government assistance was loan guarantees totalling $50 million for the Skeena Cellulose sawmill. By stepping in to avert bankruptcy of this company, the province saved an estimated 1,100 jobs.

593. Public policy in British Columbia in this reporting period also sought to encourage both venture capital and small business opportunities. For example, the government offered tax credits to resident investors as part of the province's venture capital program in return for private capital investment in small businesses (those with fewer than 75 employees), which diversified the economy. Between September 1994 and September 1999, the venture capital program leveraged private sector investment of $132 million for investment into 110 small businesses. Forgone provincial revenues (tax credits) were $41 million or approximately 30 percent of the invested capital.

594. The venture capital program is particularly useful to businesses that have difficulty attracting traditional debt financing, such as those engaged in manufacturing, research

and development, destination tourism, and specialized agriculture. Examples of small businesses in British Columbia that have grown and prospered under the program include Sumac Ridge Winery Ltd., Race Face Components (bike parts manufacturer), Anormed Inc. (pharmaceutical research), Xillix Technologies Inc. (Bio Life Sciences), and Wickininish Inn (destination tourism).

595. With respect to promoting small business in British Columbia, a number of important innovations were undertaken. The Small Business Branch of the Ministry of Small Business, Tourism and Culture began publishing the Solutions for Small Business series, which includes the following guides: *Exploring Business Opportunities: An Innovative Guide for BC Entrepreneurs*; *Resource Guide for British Columbia Businesses*; *Guidelines and Requirements for Business; Home-Based Business Manual; and Business Planning and Cash Flow Forecasting for Business*, each of which can be found online at http://142.36.102.61?ReportsPublications/default.htm. In addition, since April 1994, the Canada/British Columbia Business Service Centre has supported business development by providing a "one-stop" shop for business counselling. It is designed for fast, accurate, and user friendly information that entrepreneurs and business owners can use to make sound business decisions, including advice on government programs and services.

Ensuring full and equal participation by all

596. The *Human Rights Code* and the *Multiculturalism Act* demonstrate the legislative commitment to full and equal participation by all British Columbians. One of the key objectives common to both statutes is the desire to foster a society in which there are no impediments to full and free participation in the economic, social, political, and cultural life of British Columbia. The *Multiculturalism Act* is available online at http://www.qp.gov.bc.ca/statreg.

597. The legislative intent to eradicate barriers to full and equal participation is reflected in a number of important government policies and services. For example, the Public Service Employee Relations Commission, which provides for the recruitment and development of a well-qualified and efficient public service, has adopted an employment equity strategy in order to create a workforce that reflects the diversity of British Columbia's population. The Equity and Diversity Division of the Commission assists ministries and government agencies to improve the representation of historically under-represented groups, namely, Aboriginal people, visible minorities, people with disabilities, and women. Policy initiatives include outreach recruitment, the preferential hiring of under-represented groups to auxiliary positions, and equity and diversity training.

598. With respect to specific programs or services aimed at improving women's social and economic security, the government undertook the following:

- In 1998-1999, the Ministry of Women's Equality (MWE) reproduced *Starting Your Own Business*, a resource guide for women entrepreneurs who wish to start their own businesses. It covered basic information such as business financing and start up; and

- Between July 1997 and March 1999, the MWE ensured that women had opportunities in government-supported projects such as the construction of high occupancy lanes on highways in the Vancouver area. Women worked 11 percent of the hours on this project and accounted for 5 percent of the construction workforce. This was well above the industry average of less than 1 percent participation by women. For additional information, please refer to Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination Against Women.*

599. The province also acted to ameliorate conditions for British Columbians with disabilities. The Ministry for Social Development and Economic Security established specialized offices for its Disability Benefits Program, the mandate of which is to assist people with disabilities to achieve their employment goals. Disability Benefits Program Referral Officers are available to assist participants in determining the best course of action to meet the participants' training, education, and employment goals.

600. Specific services offered via the Disability Benefits Program include:

- developing training and employability plans;
- referring participants to appropriate training and employment programs and community resources;
- assisting participants to obtain volunteer positions and/or employment;
- informing participants about the availability of all applicable benefits in order to facilitate integration into the labour market; and
- identifying barriers to work-related program participation.

601. Steps were also taken to facilitate involvement in British Columbia's labour force by youth and First Nations. For example, on April 1, 1996, the government introduced the Youth Business and Entrepreneurship Training program, with the goal of encouraging young people to start their own businesses. Over 4,800 young adults participated in the program from its inception to the end of fiscal year 1998-1999. A second example is the Visions for the Future Program, which hosted one-day conferences designed to increase Aboriginal youth awareness of various career options, such as entrepreneurship and self-employment. From April 1, 1998 to March 31, 1999, over 2,100 Aboriginal youth participated.

602. Finally, it should be noted that the period from September 1994 to September 1999 witnessed a shift in the way services were provided to newcomers to British Columbia. In 1996, the Ministry of Multiculturalism and Immigration (MMI) established five multi-sector working groups to identify training, accreditation, and employment needs of immigrants and to recommend options and solutions.

603. In 1999, with the transfer of federal immigration support programs to the province, MMI assumed responsibility for immigration settlement programs, including funding job clubs for immigrants in the amount of $600,000 annually. Also in 1999, the MMI Equal Opportunity Secretariat commenced a $150,000 annual program to assist non-profit organizations to identify job barriers for members of the four designated employment

groups (women, visible minorities, First Nations, and people with disabilities) and to increase awareness about access to public sector jobs.

Technical and vocational programs

604. Through BC Benefits, a comprehensive skills training and education program, increasing numbers of British Columbians receive the help they need to succeed with the transition from social assistance programs to work. The program provides job search, employability and skills training for: youth aged 19-24 and students in transition to the workplace; those 25 and older on income support; persons with disabilities; workers who require skills upgrading or face job loss; and employers who are fostering a training culture.

605. For example, BC Benefits' Youth Works program guarantees eligible youth between 19 and 24 years access to job search, job preparation, work experience and/or training. Another BC Benefits program, Welfare to Work, redirects adults aged 25 years and older from welfare into job search, training and work experience. Its goal is to provide programs that will help people leave welfare for work. It reduces barriers to moving from welfare to work, without reducing the support that is provided to families with younger dependent children.

606. Both Youth Works and Welfare to Work include workplace-based training initiatives so that participants can gain work experience and on-the-job training to improve their marketability in the labour market. Between November 1997 and February 1999, 16,228 participants took advantage of this on-the-job training.

607. Other vocational and training programs directed specifically at youth include Youth Options and Visions for the Future. Youth Options provides opportunities for participants to earn post-secondary tuition credits; support for science and technology graduates to obtain their first job in their field; opportunities for involvement in environmental projects; vocational and entrepreneurship training; and exposure to work in the public service. The second program, Visions for the Future, is designed to help Aboriginal youth develop long-term career plans and learn about job training and education options.

608. There are also vocational and training programs that specifically target youth. The At-Risk Minors Services (ARMS) program is a pre-vocational life skills development program that boosts high-risk youth in developing the necessary basic life skills they need to overcome barriers and become successful participants in educational and vocational training programs.

609. In addition, government created the Industry Training and Apprenticeship Commission (ITAC) to encourage growth and change in apprenticeships, and expand the number of skilled people in designated trades and occupations. ITAC works with business, labour and education institutions and, since its inception, has served over 25,000 clients, providing over 23,000 training opportunities through industry training and apprenticeship

programs. ITAC promotes apprenticeship and work-based training for under-represented groups. This has resulted in a 23 percent increase in the number of women in trades and technologies since ITAC was established in 1997.

610. Furthermore, nine Career Technical Centres (CTCs) have been established to provide an opportunity for secondary school students to receive a high school diploma and either a college certificate or credit towards a college credential in two and one-half years or less.

611. Thirteen Community Skills Centres (CSCs) offer flexible, client-focused training through the use of educational technologies and partnerships with public and private training providers. During the reporting period, thousands of British Columbians participated in training and education programs offered through CSCs.

612. The Government of British Columbia has also continued its commitment to improve vocational training for its citizens with disabilities. On April 1, 1998, British Columbia entered into a new cost-sharing agreement with the Government of Canada. The Employability Agreement for Persons with Disabilities (EAPD) replaced the former Vocational Rehabilitation for Persons with Disabilities Agreement and has the capacity to provide British Columbia with a maximum of $27 million in cost sharing in each of the five years the agreement covers. Vocational Rehabilitation Services (VRS) is one of nine programs administered by four different ministries that is cost shared under the EAPD Agreement.

613. The goal of VRS is to assist British Columbians with permanent disabilities to become economically independent by helping them to develop job skills, and find and maintain employment. During the 1998-1999 fiscal year, VRS spent $12.12 million providing specialized goods and services to 7,975 program participants across the province.

Employment and fundamental political and economic freedoms

614. The *Human Rights Code* prohibits discrimination in employment on the basis of political belief. In this way, the Code seeks to prevent terms and conditions of work from infringing basic political rights of British Columbians.

Article 7: Right to Just and Favourable Working Conditions

Equal pay for equal work

615. Section 12 of the *Human Rights Code* prohibits discrimination in wages on the basis of sex. Thus, the statute mandates equal pay for men and women performing "similar or substantially similar work."

616. For further information on pay equity initiatives, please refer to Article 11 of British Columbia's submission to Canada's Fifth Report on the *Convention of the Elimination of All Forms of Discrimination against Women*.

Setting wages

617. There are two principal methods of determining wages in British Columbia. Negotiations held during collective bargaining sessions set wages for unionised employees, while the market forces determine wages for those who do not belong to unions. Both of these methods are subject to British Columbia's minimum wage which sets a floor for workers' salaries below which rates of pay cannot fall.

618. The unionisation rate amongst British Columbia employees has remained relatively stable during the reporting period at approximately 35 percent. Unions dominate in primary industries such as logging, mining, and fishing. They are also commonplace in the transportation, education, and public administration sectors of the economy. In contrast, they are rare in the rapidly expanding tourism and service sectors.

619. Not surprisingly, unionised workers tend to enjoy higher wages than their non-unionised counterparts. To illustrate this point, the average hourly wage of a worker in the Accommodation, Food and Beverage Sector in 1997 was $10.10. The average hourly wage of a worker in the union dominated Forestry, Fishing and Mining Sector for the same year was $21.41.

British Columbia's minimum wage

620. Pursuant to the *Employment Standards Act* enacted in 1995, the Lieutenant-Governor-in-Council fixes British Columbia's minimum wage. In making this determination, government considers several economic indicators including:

- the average hourly and weekly industrial wage in British Columbia;
- the percentage increase in BC's Consumer Price Index;
- minimum wage levels in other Canadian and American jurisdictions;
- the percentage of annual Gross Domestic Product growth in British Columbia industries that hire large numbers of minimum wage earners, such as agriculture, retail trade, food services, accommodation, and personal services;
- the most current value of Statistics Canada's Low Income Cut-Off rates;
- the average costs of food, clothing, and shelter in British Columbia; and
- the status of other economic and social indicators provided to government by business, labour, and community stakeholder groups.

621. British Columbia's minimum wage provision applies to virtually every employee in the province. Only those workers who are specifically excluded under the *Employment Standards Act* are not covered. For example, some self-governing professionals are excluded from the Act.

622. From September 1994 to September 1999, the government increased the minimum wage four times from $6.00 to $7.15. According to Statistics Canada's annual Labour Force Survey, minimum wage earners comprise between 3 percent to 6 percent of the

province's workforce in any given year. For example, in 1998, 73,900 workers in British Columbia earned the minimum wage. That figure dropped slightly in 1999 to 68,600.

623. Pursuant to the *Employment Standards Act*, employees of the Employment Standards Branch of the Ministry of Labour are authorized to conduct investigations to ensure compliance with the minimum wage regulation. If necessary, monetary penalties may be assessed against employers violating the Act. A copy of the statutory complaint mechanism and the provision relating to monetary penalties under the Act can be found on the Web site of the Government of British Columbia, at http://www.qp.gov.bc.ca/statreg/stat/E/96113_01.htm (see sections 74, 76 and 99).

Equal opportunity for promotion

624. The principle of equal opportunity for promotion amongst all workers in British Columbia is enshrined in section 13 of the *Human Rights Code*. Section 13 prohibits discrimination regarding "employment or any term of employment" because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or previous unrelated criminal conviction. Consequently, a person who is denied promotional opportunities on any of these prohibited grounds may file a complaint with the British Columbia Human Rights Commission.

625. For further information on equal opportunities for equal promotion with respect to women, please refer to Article 7 in British Columbia's submission to Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women*.

Rest and reasonable limitation of working hours

626. The *Employment Standards Act* regulates the work-week as well as rest periods and vacations for employees under provincial jurisdiction. Specifically, it determines:

- the hours of work (eight per day, 40 per week);
- overtime premiums if the maximum hours per week are exceeded (1.5 times the regular rate of pay for the first three hours after a regular eight hour work day, and 2 times the regular rate of pay for anything above 11 hours per day);
- minimum hours of rest (eight hours per day or 32 hours per week otherwise overtime rates apply);
- mandatory pay for statutory holidays (either the employee does not work the statutory holiday and receives his or her regular rate of pay or the employee is paid premium rates and is entitled to an additional day off in the future); and
- entitlement to paid vacations (after 12 months of work, an employee is entitled to two weeks paid vacation; this amount increases in proportion to an employee's length of service.).

Occupational health and safety

627. The *Workers Compensation Act* Part III prescribes the minimum conditions of occupational health and safety amongst employees within provincial jurisdiction. The Workers Compensation Board (WCB), an independent board established under the Act, employs some 200 field staff including occupational safety officers, occupational hygiene officers, and ergonomists to ensure compliance with these minimum health and safety standards. In the face of violations, WCB staff may impose administrative penalties or recommend active prosecution. In addition, annual WCB rates charged to employers depend on the number of claims made under the scheme in the previous year. Thus, a firm with a poor accident record will be assessed at a higher rate than one with few WCB claims.

628. The vast majority of workers in British Columbia are governed by the minimum WCB health and safety standards. The Act excludes only a very narrow band of workers such as professional sports players or those working in sole proprietorships or non-incorporated partnerships. A separate act sets minimum health and safety standards for miners.

629. The WCB report, *Lost Lives*, a full copy of which is available at http://worksafebc.com/publications/, analysed rates of workplace disease and accidents. It revealed that employees working in primary resource sector such as forestry and fishing were particularly at risk for on-the-job accidents. The top five accident categories were motor vehicle accidents, struck-by-object accidents, aircraft accidents, falls from elevation, and industrial vehicle accidents.

630. Work related diseases are far less visible than workplace accidents because, typically, they do not result from a single incident. Disease progress is often slow, and workers may not notice any symptoms until years after their exposure to a hazardous substance. Nevertheless, work-related diseases are responsible for over 25 percent of all reported work-related deaths. Lung diseases topped the list of work related illnesses accounting for 72 percent of work related disease fatalities within the province. Most were caused by asbestos particles or silica dust, although concerns are growing about the deleterious impact of second-hand tobacco smoke on workers.

Other initiatives affecting the right to just and favourable conditions of work

631. Workers in the community social services sector provide a wide range of services to children-in-care, infants, adults with developmental disabilities, people with special needs, and children and youth in conflict with the law. This sector is supported through government's commitment to a low-wage redress policy designed to improve conditions for workers in jobs that have been historically undervalued and underpaid. Between 1994 and 1999, the program received more than $500 million in provincial funding.

Article 8: Trade Union Rights

Right to form/join unions

632. Section 4 of the *Labour Relations Code* upholds the right of any employee to "be a member of a trade union and participate in its lawful activities." Thus, there are no legal impediments to joining a trade union in British Columbia. Similarly, there are no restrictions placed upon the exercise of a worker's right to form unions. In fact, section 6 of the *Labour Relations Code* prohibits various unfair labour practices including employer interference with the formation of trade unions. The Code is available on the Web site of the Government of British Columbia, at http://www.qp.gov.bc.ca/statreg/stat/L/96244_01.htm.

633. In 1999, trade union membership in British Columbia climbed to 592,413 members, up by 2.4 percent from 1998. The overall proportion of the provincial paid work force belonging to unions was 36.2 percent. Although the ratio of union membership to paid worker has been stable for the past few years, it is still lower than the average ratio between 1950 and 1990. The unionised portion of the work force since 1986 has fallen to the levels of the early 1940s. This is mainly a result of the slow growth in the work force in the highly organized primary and manufacturing industries in the province coupled with rapid expansion in the more non-unionised service sector. The 1999 results mark a change in this recent pattern.

634. Twenty-five trade unions in the province had a membership in excess of 5,000 in 1999. The largest were the Canadian Union of Public Employees with over 100,000 members, the British Columbia Government and Service Employees' Union and Affiliates with over 60,000 members and the British Columbia Teachers' Federation at approximately 45,000.

Right of unions to join national or international labour organizations

635. There are no legal or practical restrictions placed on the right of trade unions in British Columbia to join either national or international labour organizations. To provide a concrete example, the British Columbia Government and Service Employees' Union is part of the Canada-wide National Union of Public and General Employees (NUPGE). NUPGE, in turn, is a member of the Public Service International Trade Union Secretariat of Public Sector Unions, which as its name suggests, operates at the international level.

Legal limits on unions

636. Unions are allowed to function freely in British Columbia, subject only to legal limits contained in statutes such as the *Human Rights Code* or the *Labour Relations Code*. For example:

- A union cannot discriminate against a person with respect to membership in a union because the person has exercised a right, or participated in a proceeding, under the *Labour Relations Code*: section 5(1) of the *Labour Relations Code*.
- A union cannot persuade employees to join or not join a union at the employer's place of employment during working hours: section 7(1) of the *Labour Relations Code*.
- A union cannot use coercion or intimidation to compel or induce a person to become or not become a member of a trade union: section 9 of the *Labour Relations Code*.
- A union must apply the principles of natural justice in disputes relating to matters in the union constitution, a person's membership in the union, and discipline by the union: section 10(1) of the *Labour Relations Code*.
- A union must not act in a manner that is arbitrary, discriminatory, or in bad faith in representing members of a bargaining unit: section 12(1) of the *Labour Relations Code*.
- A union cannot exclude, expel, suspend, or discriminate against any person on the basis of one of the prohibited grounds of discrimination: section 14 of the *Human Rights Code*.

Promotion of collective bargaining

637. British Columbia's *Labour Relations Code* is predicated on the promotion of collective bargaining. The "purpose" section announces the Legislature's intent: "The following are the purposes of this Code: (a) to encourage the practice and procedure of collective bargaining between employers and trade unions as the freely chosen representatives of employees..."

638. This intent to encourage collective bargaining is echoed throughout the rest of the statute. For example, section 11 places an obligation on both unions and employers to bargain collectively in good faith. Section 23 gives the Labour Relations Board the authority to certify a union as the exclusive bargaining agent for a bargaining unit of employees.

Right to strike

639. Workers in British Columbia have the legal right to strike, subject to the following restrictions set out in the *Labour Relations Code*:

- Strikes are not permitted during the term of a collective agreement: sections 57 and 58.
- Strikes are not permitted until the union and employer have attempted to bargain collectively, and the majority of members in the union's bargaining unit have voted to support the strike: section 59(1).
- A strike is not permitted until the union serves both the employer and the Labour Relations Board with notice of the impending strike, and the strike cannot commence until 72 hours after notice was served: section 59.

640. Another limitation on the right to strike is contained in Part 6 of the *Labour Relations Code,* which governs essential services. Under this Part, the Labour Relations Board may designate essential services in cases where the Minister of Labour considers that a labour dispute poses a threat to the health, safety, or welfare of the residents of British Columbia. Examples of essential services include health care workers, emergency dispatch personnel, highway road clearance crews, police, and firefighters. A strike or lockout cannot commence until the Labour Relations Board determines the appropriate essential service levels, namely the minimum number of workers that must be kept on the job to ensure the health, safety, and welfare of British Columbia residents.

641. With respect to police and firefighters, the Legislature of British Columbia passed a separate *Fire and Police Services Collective Bargaining Act* in 1995. This act provides that either the union or the employer may apply to the Minister of Labour to have a dispute submitted to binding arbitration if the parties are unable to conclude a collective agreement through the normal channels of collective bargaining. A strike or lockout cannot occur if the Minister makes a direction for binding arbitration. Since the Act's inception, the Minister has imposed binding arbitration only once.

Article 9: Right to Social Security

642. Due to Canada's federalist system, residents of British Columbia receive benefits provided through an overlapping federal and provincial scheme. Through the province, all British Columbians who meet the relevant eligibility criteria are entitled to:

- income assistance benefits based (BC Benefits Income Assistance);
- disability benefits (BC Benefits Disability);
- family benefits (BC Benefits);
- old-age benefits (BC Benefits Seniors Supplement);
- health care benefits (Medical Services Plan of BC).

643. Those who work are also entitled to the following minimum benefits:

- employment injury benefits (through Workers' Compensation Board claims)
- pregnancy leave (*Employment Standards Act*, section 50);
- parental leave (*Employment Standards Act*, section 51);
- family responsibility leave (*Employment Standards Act*, section 52); and
- bereavement leave (*Employment Standards Act*, section 53).

BC Benefits

644. To expand upon each of these branches of social security offered by the province, the BC Benefits Income Assistance program is designed to provide essential income support, employment and training support, and other benefits to British Columbians who need temporary assistance and meet the eligibility requirements of the *BC Benefits (Income Assistance) Act.* The program is limited to those who can demonstrate financial need based on stringent income and asset tests. Recipients aged 25-60 who are employable

and who are not single parents with dependent children under seven years are required to participate in training and job search programs in order to continue to qualify to receive benefits.

Disability Benefits

645. BC Benefits also provides Disability Benefits to assist persons with disabilities in overcoming barriers to independence. They are designed to allow persons with disabilities to participate more fully in their communities and, in some cases, in the job market. A person may apply for Disability Benefits if he meets the following criteria:

- is 18 years or older; and
- as a direct result of a severe mental or physical impairment:
    - requires extensive assistance or supervision in order to perform daily living tasks within reasonable time, or
    - requires unusual and continuous monthly expenditures for transportation or for special diets or for other unusual but essential and continuous needs, and
    - has confirmation from a medical practitioner that the impairment exists and is likely to continue for at least one year, or is likely to recur.

Benefits for people with dependent children

646. Family benefits designed to assist those with dependent children include BC Family Bonus, the BC Earned Income Benefit, Healthy Kids, and Child Care Subsidy programs. Each program will be explained in turn.

647. The BC Family Bonus, implemented in July 1996, provides a tax-free payment to all low and moderate income families, regardless of their source of income. It was the first program of its kind in Canada to replace welfare-based child benefits with benefits available to all families meeting the relevant income guidelines, including families who are part of the province's working poor. The benefits are designed to reduce child poverty and also to assist parents in moving from welfare to work.

648. Two years after British Columbia created the BC Family Bonus program, the Government of Canada introduced the National Child Benefit. As a result, the province reinvested savings from its Family Bonus program into a new provincial program, the BC Earned Income Benefit. This new provincial benefit replaced the Working Income Supplement, which had been discontinued by the federal government. The BC Earned Income Benefit provides a supplement of up to $605 per child per year to the Family Bonus, based on a family's earnings. It is designed to assist low-income families care for their children and provides parents with more opportunities to enter the labour market.

649. The final family benefit offered through BC Benefits is a monthly childcare subsidy, available to families of low to moderate means. The purpose of the subsidy is to make it economically feasible for low or moderate income earners to re-enter the workforce.

Old-age benefits

650. Lastly, there are limited old-age benefits provided under the BC Benefits umbrella. The Seniors Supplement program assures a minimum monthly income for British Columbia seniors who receive the federal Old Age Security pension and Guaranteed Income Supplement or the federal Spouse's Allowance. If a senior's total income, including any federal pensions, falls below the level guaranteed by the province, a supplement is provided to make up the shortfall.

651. To give a sense of the scope of the program, as of September 1999, there were 159,116 families or individuals receiving BC Benefits. In the 1998-1999 fiscal year, BC Benefits expenditures totalled $1.3 billion.

Health care

652. In addition to the BC Benefits programs, all British Columbians enjoy a universal health care system. The Medical Services Plan of British Columbia covers medically required services provided by general practitioners, specialists, and supplementary health care practitioners, as well as laboratory services and diagnostic procedures.

653. The Healthy Kids program extends basic dental and vision care to children in low and moderate income families who are not already covered by federal or employer sponsored insurance plans. Eligibility is determined using the Medical Services Plan premium subsidy formula. Again, this program is designed to help remove barriers for parents moving from welfare to work.

Employment benefits

654. With respect to employment-related benefits, all employees within provincial jurisdiction are entitled to the minimum benefits set out in the *Employment Standards Act*. Thus, a pregnant employee is entitled to 18-24 consecutive weeks of unpaid leave. Pregnancy leave can be extended for up to 12 additional weeks by requesting parental leave. Like pregnancy leave under the Act, parental leave is also unpaid. It should be noted that provincial pregnancy and parental benefits complement federal monetary benefits as part of a comprehensive overlapping regime. Employees are also entitled to up to five days of unpaid leave each employment year to meet responsibilities related to the care, health, and education of an immediate family member as well as up to three days of unpaid leave in the event of the death of an immediate family member.

655. These minimum benefit entitlements set out in the *Employment Standards Act* are often supplemented by private plans such as private insurance or provisions contained in collective agreements. In the case of unionised workers, it is common to have more extensive accident and illness protections than those provided statutorily. As a result, most collective agreements in British Columbia provide for a Short Term Illness and Injury Plan in addition to a Long Term Disability Plan for more permanent conditions.

656. Those British Columbians who do not have access to steady employment, especially unionised employment, are disadvantaged in terms of access to and quality of available benefits. Those categories of British Columbians who are over-represented in traditionally non-unionised sectors are particularly affected. For example, women and youth dominate the rapidly expanding service industry, a sector not easily penetrated by trade unions. Typically, they receive fewer and less generous benefits than employees occupying unionised positions.

Article 10: Protection of the Family, Mother and Child

Families

657. The importance that British Columbians place on the role of the family continues to be reflected in the creation in September 1996 of a new free standing ministry devoted to the needs of children and families. The Ministry for Children and Families was created by bringing together components of five ministries in order to streamline services for children and families and to strengthen the province's child protection system. The Ministry was established in response to two key reports on the province's child and family system, the *Report of the Gove Inquiry into Child Protection*, released in November 1995, and the *Morton Report: British Columbia's Child, Youth, and Family Serving System, Recommendations for Change*, released in September 1996.

658. It is estimated that one in 10 people (over 400,000) in the province receives help from this Ministry each year. Services include child protection, foster care, adoption programs and assistance, family supports such as counselling, parenting programs, and respite care, children's and youth mental health, school-based programs, youth services, special needs, Aboriginal services, early childhood development, and youth justice initiatives.

659. One final important development was the expansion of British Columbia's, and Canada's, legal definition of "spouse." An important jurisprudential milestone was reached in 1999 with the Supreme Court of Canada's decision in *M. v. H* (see Jurisprudence section of the present report for additional information).

660. The spirit of the *M. v. H.* decision is reflected in legislation such as the *Adoption Act*, which permits both opposite and same-sex couples to adopt children, and in the *Definition of Spouse Amendment Act*, 1999, R.S.B.C. 1999, c. 29, which sought to modernize under-inclusive definitions of "spouse" in British Columbia statutes.

Adoptions

661. This reporting period marks important developments in British Columbia with respect to adoptions. On November 4, 1996, the British Columbia Legislature passed the *Adoption Act* (available at http://www.qp.gov.bc.ca/statreg/stat/A/96005_01.htm). Under the new Act:

- children have more say in adoptions;
- all adoptions are regulated;
- birth parents and adoptive parents have more options for openness;
- Aboriginal birth parents, bands, and communities have greater opportunities to plan for their children;
- licensed adoption agencies were established in urban centres to provide the public more choice regarding adoption services.

662. The Ministry for Children and Families offered operational supports to the legislative initiative on adoption by implementing and developing:

- an adoption information and referral telephone line;
- a support organization for adoptive parents of special needs children;
- three provincially-funded registers: the Birth Fathers' Registry to enable a birth father to register his interest and be notified of any adoption plan involving his child taking place in British Columbia; the Post-Adoption Openness Registry to enable birth parents and adopting parents with closed adoptions to register for an openness arrangement if they choose; and the Adoption Reunion Register to provide search and reunion services to adopted adults and their birth families.

663. To provide some sense of the demand for these services, statistics gathered from April 1, 1998, to March 31, 1999, show:

- There were 117 domestic adoptions.
- Adoption agencies licensed under the *Adoption Act* approved 202 adoption placements.
- The Post Adoption Registry facilitated 546 exchanges of information.
- There were 103 registrations on the Post Adoption Openness Registry, and six matches were completed.
- The Birth Father's Registry had nine registrations and 404 search requests, with eight matches made.
- The number of Adoption Reunion Registry active reunions totalled 247.

664. Attention was also paid to the issue of international adoption during this reporting period. In April 1997, British Columbia along with the other jurisdictions in Canada ratified the *Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption*.

School Meal Program

665. During the reporting period, the province funded the School Meal Program which provided nutritious meals for students in over 300 schools as well as the Healthy Kids, BC Family Bonus, and the BC Earned Income Benefit explained in Article 9.

Immigrant families

666. Family services to immigrant families were also expanded. Refugees recognized under the UN *Convention on the Status of Refugees* were able to apply for regular income assistance and benefits. Previously, regular assistance was provided only after refugees were granted landed immigrant status, a process that can take several years. By providing regular assistance as soon as refugees apply for landed status, they and their families are granted earlier access to school start up allowances and other supports that lead to earlier independence.

Mothers

667. As previously discussed in Article 9, British Columbia provides maternity benefits. The minimum standard set by the *Employment Standards Act* is 18 consecutive weeks of unpaid leave, commencing 11 weeks immediately before the estimated date of birth. Mothers may choose to supplement their pregnancy leave by also claiming parental leave under the Act. The parental leave provision provides an additional 12 weeks of unpaid leave.

668. The Government of Canada provides monetary benefits for women who have taken leaves from work. In this way, the provincial and federal benefit schemes fit together in order to offer full protection to pregnant women.

669. There were also a number of pre-natal programs implemented during the reporting period. For example, the Ministry for Children and Families introduced phase one of the Building Blocks program in 1997 in ten locations throughout the province. The program focuses on Fetal Alcohol Syndrome and Fetal Alcohol Effect (FAS/FAE), prevention, enhanced child care, and home visiting services for children under the age of five. In 1998-1999, the program expanded to 27 other communities. At the same time, the Ministry began publishing print and video educational materials for families living with FAS/FAE affected children. A list of online resources is available at http://www.mcf.gov.bc.ca/child_protection.

670. There are also pregnancy outreach programs which provide services to pregnant women at risk for having low birth weight infants. The services begin pre-natally and continue for six months after birth. The program promotes breastfeeding and provides professional and peer support regarding proper nutrition, smoking, alcohol, and other health related issues.

Children

671. Age of Majority is described in the Second Report of Canada on the *Convention on the Rights of the Child.*

Protection from Economic or Social Exploitation

672. A number of important innovations occurred with respect to child protection and foster care during the relevant period. For example, with respect to child protection issues, from 1995 to 1997, the British Columbia Risk Assessment Model was implemented, providing training to approximately 1,500 government child protection staff and 2,000 community partners. The purpose behind the model was to ensure consistent, well-informed decision-making in child protection cases throughout the province. Its aim is to assist front line staff in making critical risk decisions regarding the safety and well being of children.

673. Also in 1997, the Ministry for Children and Families in conjunction with the Ministry of Attorney General's Dispute Resolution Office established the Child Protection Mediation Program. Under section 22 of the *Child, Family and Community Services Act*, mediation services are offered in disputes between the Ministry for Children and Families and parents about the care of their children. Under the Child Protection Mediation Program, a roster of specialized child protection mediators was established. All mediators on the roster are private practitioners hired on contract by the Ministry of Attorney General, and all have mediation training and at least 100 hours of mediation experience. They have also received training on issues unique to child protection mediation. These mediation services are offered free to participants.

674. The key objective of the Child Protection Mediation Program is to resolve as collaboratively as possible issues between Ministry for Children and Families and parents. The program attempts, in appropriate cases, to avoid the polarizing effects of court proceedings, which often disrupt the necessary working relationship between the government child protection workers and families. It is hoped that mediation services offered under this program will facilitate a child-centred problem solving approach to disputes.

675. In 1998, the Ministry for Children and Families developed the brochure, *Your Role as Relative*, available online at: http://www.mcf.gov.bc.ca/child_protection. Its purpose is to advise extended family members of their significant role in child protection situations.

676. With respect to children in foster care, implementation of the recommendations stemming from the *Report of the Task Force on Safeguards for Children and Youth in Foster or Group Home Care* (available online at: http://www.mcf.gov.bc.ca/reports_publications.htm) began in 1997. In response, the province developed the following wide range of supports for foster parents to enable them to provide high quality services to children in care:

- 18 hours of pre-service orientation for potential foster parents;
- extensive training (53 hours) for foster parents;
- the development of protocols addressing allegations of abuse and neglect, quality of care concerns, and conflict resolution;

- distribution of the *Foster Family Handbook* (available online at: http://www.mcf.gov.bc.ca/foster) which discusses how the Ministry for Children and Families and foster parents can work together to provide quality care for children and youth in foster homes;
- implementation of a policy whereby legal fees are paid for foster parents who are involved in civil or criminal suits related to unfounded allegations of abuse of children in care;
- provision of respite support of three days a month; and
- establishment of the After Hours support line which provides professional consultation and support to foster parents.

677. For older children in care, amendments of the *Child, Family, and Community Services Act* were adopted which provided new flexibility in the provision of support services. The amendments allow for Youth Agreements for young people aged 16-19 who cannot live at home. The Agreements provide for residential, emotional, financial, and other support services for youth while they acquire the skills necessary to make the transition to adulthood and independence.

678. Also during the relevant reporting period, the Ministry for Children and Families continued to fund the Federation of British Columbia Youth in Care Networks. The Federation is a non-profit society run by and for youth between the ages of 14 and 24 who are or who have been in government care. The purposes of the organization are to:

- advocate for new and improved services for youth in care;
- participate in the development of new governmental policy for youth in and leaving care;
- act as advocate for youth in care.

679. An example of the collaboration between the Ministry for Children and Families and the Federation was the development of the publication *Useful Tips for Youth Leaving Care Handbook*, available online at: http://www.mcf.gov.bc.ca/child_protection.

680. Finally, at the end of the reporting period in 1999, the government fully implemented the Looking After Children Program. The program uses a child-centred approach to help assess needs and achieve better outcomes for children and youth in care.

681. One other policy area that underwent significant growth in this reporting period was programs and services offered to children and youth at risk for abuse or sexual exploitation. For example, in 1998, the government of British Columbia developed the new *British Columbia Handbook for Action on Child Abuse and Neglect*, available online at: http://www.mcf.gov.bc.ca/child_protection. The handbook supports professionals and volunteers to work together to prevent, recognize and respond to abuse and neglect appropriately. Over 40,000 copies of the handbook were distributed, and an interdisciplinary training program was developed and delivered to over 2,000 participants across the province.

682. In 1995, the province introduced an interactive workshop specifically focusing on the risks of sexual exploitation facing British Columbia youth. Presented to public schools in the Vancouver area, it explores the dangers of street life and the recruitment processes used to lure youth into the sex trade. The workshop entitled *If It's Too Good to be True*, includes monologues, interactive discussions, and theatre games to explore the issues of sexual exploitation with students.

683. The following year heralded the creation of an inter-ministry committee on prostitution and sexually exploited youth as well as the opportunity to co-host, with the United Nations, the International Summit on Sexually Exploited Youth. The conference, *Out of the Shadows and Into the Light* (http://www.crime-prevention.org/victims), brought together delegates from around the world to discuss the issues and attempt to fashion solutions to the problem of the sexual exploitation of children and youth.

684. In 1997, the Government of British Columbia reaffirmed its commitment to work toward solutions to the problem of sexual exploitation of youth by allocating $4.8 million for new youth services across the province. The new resources included the provision of new safe housing for sexually exploited youth in four cities in British Columbia (Victoria, Prince George, Kelowna and New Westminster/Burnaby). As well, 25 additional youth outreach and support workers were hired to assist high-risk youth leave the street and/or the sex trade.

Safeguarding the rights of children in care

685. In 1999, the province developed and distributed a video called *Know Your Rights: A Guide for Young People in Care*. The companion guide is available online at http://www.mcf.gov.bc.ca/child_family_service_act. It is mandatory to show these materials to every child entering care. The guide explains young people's rights, the supports available to them, and who to turn to for help. An age-appropriate colouring book was developed to assist younger children in care to understand their rights.

686. At the same time, a brochure entitled *When You Disagree: Making a Complaint to the Ministry for Children and Families* was developed explaining the complaints process to children taken into care. It is available online at http://www.mcf.gov.bc.ca/child_family_service_act. Another was produced for parents, which is also available online at: http://www.mcf.gov.bc.ca/complaints. These brochures include contact information for the Child, Youth, and Family Advocate and for the Advocate for Service Quality for People with Developmental Disabilities who can help parties file complaints.

687. In conjunction with the Legal Services Society, which provides Legal Aid services in British Columbia, a list of lawyers skilled in providing independent legal advice to children and youth was compiled in 1998. The primary role of these lawyers is to provide advice to children who are considering whether to consent to a court order applied for under the *Child, Family and Community Services Act* as well as to youth in ministry care who are considering whether to place their babies up for adoption.

688. A brochure, ***When You Need a Lawyer: Information for Children and Youth on Independent Legal Advice*** (available online at http://www.mcf.gov.bc.ca/justice_services.htm), was developed in 1998. The brochure outlines to young people what happens in court, how a court decision could affect their lives, and how to get proper legal advice. It was distributed to all child and family service offices and to related community-based agencies throughout the province.

Child labour

689. The *Employment Standards Act* prohibits the employment of children under the age of 15, unless the Standards Branch grants special permission to do so. If such permission is given, the Director may set specific terms and conditions of employment in order to protect the child. The majority of permits are granted for children employed in the film industry or seasonal fruit-picking in orchards. In 1994-1995, 441 permits were granted, and in 1995-1996, the number dropped to 401.

Article 11: Right to an Adequate Standard of Living

General

690. Broadly speaking, British Columbians enjoy a high standard of living. Throughout the reporting period, Canada ranked first in the United Nations' quality of life survey under the Human Development Index. Within Canada, British Columbia holds a very favourable position as one of its wealthiest provinces.

Food

691. While most people in British Columbia enjoy a high quality of life, single parent families, families relying on social assistance, and off-reserve Aboriginal families are more likely to experience hunger. Data compiled from the 1994 *National Longitudinal Survey of Children and Youth* shows that single parent families headed by women are the most vulnerable.

692. In order to address this issue, the province continued its commitment to the School Meals Program established in 1991. Over the course of the reporting period, the program expanded such that free lunches were provided to children in over 300 schools across British Columbia. It provides nutritious meals for children who may not be getting enough nourishment at home.

693. In 1994, an evaluation of the program was carried out. It was found that both students and teachers were extremely happy with the program. Teachers recorded improvements in student health, classroom behaviour, happiness, well-being, and improved knowledge of nutrition as a result of participation in the program.

694. A related program is the Inner City School Program. It supports children at risk of leaving school or who are having difficulties participating at school due to factors such as poverty and hunger. Specific programs are tailored to communities and are designed to develop the social skills and confidence needed by children and youth in order to function successfully in society.

695. The BUY BC program was established to promote the purchase of local and seasonal foods (see BUY BC online at: http://www.buybc.gov.bc.ca). Other initiatives include hosting the nutritious food basket, supporting community kitchens, community gardens, food buying clubs, good food bags, community-assisted agriculture, farmers' markets, and food policy councils. All are designed to promote healthy economical eating habits.

Housing

696. Under the *Growth Strategies Statutes Amendment Act*, enacted in 1995, British Columbia introduced a new planning tool, the regional growth strategy, and established the framework for the preparation and implementation of these strategies by regional districts across the province. The regional growth strategy has the explicit purpose of promoting socially, economically, and environmentally healthy human settlements which make efficient use of public facilities and services, land, and other resources. As of September 1999, two Regional Growth Strategies had been adopted in the Greater Vancouver Regional District and in the Nanaimo Regional District, which together accounted for 52.7 percent of BC's population at that time. The *Municipal Act* (now titled *Local Government Act*), which describes the regional growth strategies, is available online, at http://www.qp.gov.bc.ca/statreg/stat/L/96323_00.htm (see Part 25).

697. British Columbia's amendments to the *Municipal Act* contained in the *Local Government Statutes Amendments Acts* gave local governments more powers respecting the construction of non-profit and social housing. For example, a local government can now provide assistance to a non-profit housing group by guaranteeing repayment of its borrowings. Local governments can also now provide aid by reducing or waiving development cost charges for not-for-profit rental housing. A development cost charge is exacted to pay for infrastructure such as roads, sidewalks, sewers, schools, and parks, and can ordinarily not be waived or reduced. See sections 181 and 183 of the *Municipal Act* regarding the assistance local governments can provide.

698. There were other legislative changes to afford greater flexibility to local governments in the development of housing policy. In 1997, the province amended the *Vancouver Charter* through the *Vancouver Charter Amendment Act* to give the City of Vancouver the power to regulate the conversion or destruction of single-room accommodations, including the power to establish conditions for a permit, such as one-for-one replacement, and to refuse authorization for conversion or demolition if a permit is not obtained.

699. To further assist local governments to encourage and facilitate affordable housing, rental housing and special needs housing, the Housing Policy Branch prepared a series of educational materials on effectively addressing housing issues. Publications include

Local Responses to Homelessness: A Planning Guide for BC Communities; *Supportive Housing for Seniors: A Policy and Bylaw Guide*; *Planning for Housing*; *Impact of Non-Market Housing on Property Values*; and a report summarizing private rental housing trends in the province. These publications are available online at: http://www.mhr.gov.bc.ca/housing.

700. In terms of operational policies, it is the British Columbia Housing Management Commission (BC Housing) which has responsibility for the delivery of the province's social housing programs. BC Housing's mandate is to facilitate the provision of secure, well-managed, affordable housing. In fulfilling its mandate, BC Housing:

- works with non-profit societies, co-operatives, other government ministries and development resource groups to create new housing options;
- administers agreements and manages the flow of subsidies for housing built under a variety of programs;
- works with other government ministries to provide management support for group homes and special needs residences, as well as co-ordination of the development of new group homes across the province;
- provides direct management for public housing;
- maintains an applicant registry and allocates housing according to applicant need and the availability of suitable accommodation; and
- delivers targeted rent supplements and other housing assistance programs such as SAFER (Shelter Aid for Elderly Renters) Program for seniors and SILP (Supported Independent Living Program) for persons with mental illness. Information on each of these programs is available online at: http://www.bchousing.org/Applicants.

701. To explain some of the programs mentioned as part of BC Housing's mandate, the province, through the SAFER Program, provides direct cash assistance to senior citizens, age 60 and over, who pay more than 30 percent of their gross income on rent. The $21 million budget provides assistance to 12,500 seniors annually.

702. SILP is a program whereby BC Housing subsidizes the rent of mentally ill tenants living in private rental accommodation up to 30 percent of their gross income. Under this same program, non-profit organizations provide support services. As of March 1999, BC Housing was providing 1,110 individuals with SILP rent subsidies.

703. Since 1994, the provincial government has provided funding for more than 7,100 new housing units through HOMES BC, the provincial housing program. It is expected that these new units will be home for 15,000 British Columbians.

704. The government also offered support to newcomers to British Columbia by funding the Tenants' Rights Action Coalition (TRAC) to offer public legal education workshops to assist recent immigrants and refugees living in unsafe and unhealthy buildings. Training and ongoing assistance to settlement workers and agencies is also provided.

705. Other housing programs included funding registered non-profit societies to develop and operate emergency shelters, safe homes, and transition houses. These offer room and board in a safe and supportive environment to women and children in a crisis situation.

706. British Columbia housing policies specifically address youth in care or former youth in care, who entered into Youth Agreements with the province under the *Child, Family and Community Service Act*. In 1999, the Ministry for Children and Families committed to ensuring that every youth who entered into a Youth Agreement received appropriate funding for safe and affordable housing in his or her particular community. By way of explanation, a youth agreement is a legal agreement between a youth and the Ministry for Children and Families. The purpose of the agreement is to help the youth gain independence, return to school, and/or gain work experience and life skills.

707. As well, provision has been made for temporary accommodation. The government contracts with hostels in order that short-term accommodation is available for transient single persons and couples without children.

708. Finally, the British Columbia housing policy supports the first time homebuyer. In 1994, the province introduced the First Time Home Buyers' program, which exempts qualified homebuyers from paying the property transfer tax, a land registration tax that is normally payable when an application is made at any Land Title Office in British Columbia to register changes to a certificate of title.

Article 12: Right to Physical and Mental Health

General

British Columbia's health care system

709. The founding principles of medicare, namely universality, comprehensiveness, accessibility, portability, and public administration, were entrenched in the British Columbia *Medicare Protection Act*. The Act, the first of its kind, was introduced in 1995 in order to preserve a publicly managed and fiscally sustainable health care system in which access is based only on need. The Act prohibits physicians from extra-billing British Columbia for any of the health services covered by Medicare. The Act is available online at http://www.qp.gov.bc.ca/statreg/stat/M/96286_01.htm (see sections 2 and 18).

710. In order to further ensure that income does not limit the access of British Columbians to publicly funded health care, the Ministry of Health provides Medical Services Plan premium assistance to lower income British Columbians. In 1998, the net income ceiling to qualify for various subsidy levels available was increased. This enhancement resulted in thousands more British Columbians receiving subsidization. As of March 1999, 29 percent of British Columbia residents were receiving some level of assistance with their health care premiums.

711. The structure of the province's health care system began in 1993-1994 with an emphasis on regional decision-making and service delivery. A simpler streamlined approach to this regionalization model was announced in 1996. The "Better Teamwork, Better Care" approach reduced the layers of bureaucracy and administration by cutting the total number of health authorities to 45 from 102 under the old model. The simplified regionalization model provided for an accelerated transfer of most health care decision making from the Ministry of Health to the regional health authorities beginning April 1, 1997 and completed by October 1 that same year.

712. Responsibility for direct delivery and management of most health care services was transferred from the Ministry of Health to 11 Regional Health Boards, 34 Community Health Councils, and seven Community Health Services Societies across the province. Regional Health Boards have the responsibility to deliver a full range of health services except those services which have remained in the purview of the province such as the Centre for Disease Control (the Provincial Laboratory), the Cancer Agency and Emergency Health (Ambulance) Service. Community Health Services Societies work in partnership with Community Health Councils to oversee the delivery of health care in rural areas where Regional Health Boards do not exist.

713. While most health services are governed and managed regionally, the Ministry of Health retains ultimate authority and responsibility for British Columbia's publicly administered health care system. The Ministry of Health funds the health authorities and monitors, evaluates, and supports their performance in governing and managing health care services. The Ministry of Health retains responsibility for the Medical Services Plan, Pharmacare, Vital Statistics, and the British Columbia Ambulance Service.

714. To provide an idea of the level of resources committed to the health care system in British Columbia, in 1998-1999, the Ministry of Health budget was $7.4 billion or roughly 31 percent of total government spending. This represents an increase of roughly 33 percent since 1991-1992.

The health of British Columbians: a snapshot

715. Almost half (42) of the 93 indicators used in the Provincial Health Officer's 1999 Annual Report to monitor the health of British Columbians, showed an improvement over previous reports. On traditional measures such as infant mortality, and life expectancy, British Columbia continues to make progress. Education levels and employment, key factors that affect health, are also showing improvement. The number of people on income assistance has been declining since 1995. Similarly, crime rates have dropped, more people are volunteering in their communities, fewer teenaged women are becoming pregnant, and more British Columbians are adopting safe practices such as wearing bicycle helmets. Fewer people are exposed to second hand tobacco smoke, fewer are dying from heart disease and injuries, and the elimination of certain diseases such as gonorrhea appears imminent.

716. The data also revealed challenges that lie ahead for British Columbia's health care system. Thirty-nine indicators did not show appreciable improvement, and six worsened. Many families were showing signs of distress, as measured by increasing reported rates of child abuse, increased numbers of children and youth in government care, and increased incidence of heavy drinking. Diabetes, asthma, and allergies were also on the rise. Increasing reliance on fossil fuel powered vehicles is damaging the global atmosphere, threatening the health of future generations. Other problems include inadequate levels of physical activity, obesity, the rate of low weight babies, a disquieting number of illicit drug overdose deaths, and the incidence and prevalence of mental illness.

717. With respect to traditional measures of health, gains have been made. Life expectancy continued to increase for both men and women. On average, since the 1950s, life expectancy has increased for both sexes by about 10 years to 77.2 for men and 82.6 years for women.

718. Prevention of deaths of infants and youths has helped add years to life. Gains have also been made in the health of older British Columbians. At age 65, a woman can expect to live another 21 years, while a man will live another 17 years. This represents a four to five year increase since the 1950s.

719. In spite of steady improvement, gaps in life expectancy still persist among certain regions and certain segments of society. For example, status Indians are the most disadvantaged group, with an average life expectancy of 10 years less than other British Columbia residents.

720. Regionally, higher levels of health are found in the southern part of British Columbia. Northern regions, which are less urbanized, have the poorest health. However, the gap between the two regions has been narrowing. Over the reporting periods, improvements were noted in infant mortality and life expectancy in northern communities, so levels of health are beginning to converge.

Maternal and Infant Mortality Rates

721. During the reporting period, virtually 100 percent of pregnant British Columbians had access to trained medical personnel during pregnancy and delivery. Consequently, the maternal mortality rate was very low. There were only two pregnancy-related deaths: one in 1996 and the other in 1998.

722. Similarly, during the reporting period, virtually 100 percent of British Columbian infants had access to trained medical personnel. The infant mortality rates from 1995-1999 calculated as the number of deaths of children under 1 year per 1,000 population were:

Year	Infant Morality Rate
1995	5.90
1996	4.94
1997	4.53
1998	4.03
1999	3.74

723. As mentioned earlier, the Ministry of Health has noted variances in infant morality rates based on region and segment of society. Status Indians have a higher than average infant mortality rate: between 1991-1998, one out of every seven infant deaths in British Columbia was a Status Indian child. In total, there were 274 Status Indian deaths in this eight-year period, resulting in an infant mortality rate of 11.3 or roughly double the rate for non-Aboriginal British Columbians. While Aboriginal and non-Aboriginal populations experienced similar mortality patterns for newborns in the neonatal period (up to 27 days after birth), the Status Indian population had a higher mortality rate in the post-neonatal period (28 to 364 days after birth). Sudden Infant Death Syndrome was the cause of death for 104 of the 178 Status Indian infants who died in the post-neonatal period.

724. Improvements in infant mortality rates amongst Aboriginal children have been noted. For example, in 1991, there were 44 infant deaths while in 1998, there were 14. In 1998, the infant mortality rate for Status Indians plunged to 4.6 per 1,000 live births, just slightly above the global average of 4.03.

725. Deaths from perinatal complications include those involving obstetric complications, immaturity, birth asphyxia, and respiratory distress syndrome. There were 69 Status Indian deaths from perinatal conditions from 1991-1998, which translated into an Age-Standardized Mortality Rate of 0.4 per 10,000 standard population. This figure was slightly above the rate recorded for other residents of the province at 0.3.

Environmental and industrial hygiene

726. In general, British Columbia's drinking water is abundant, clean, and safe to drink. From time to time and in certain locations, the quality of drinking water falls below acceptable standards. In late 1999, there were 214 boil-water advisories, affecting 7 percent of British Columbia's 2,981 drinking water systems. The 214 unsafe water supplies served approximately 1 percent of the provincial population.

727. In the 1998-1999 fiscal year, the Office of the Auditor General released a report on protecting drinking water sources. The Ministry of Health began working with agencies identified in the report as having an interest in water quality to ensure that safe drinking water continued to be a priority for the government.

728. Almost 100 percent of the population has access to adequate excreta disposal facilities. Twenty-five percent use on-site sewage systems (septic tank and tile field), and sewers

serve the remaining 75 percent. More than 95 percent of the population served by sewer systems are public systems operated by municipal governments.

729. The treatment, reuse, and disposal of sewage is authorized through permits, Liquid Waste Management Plans, or the Municipal Sewage regulation which came into force in 1999. Between 1994 and 1999, the development of 21 Liquid Waste Management Plans were in progress, accounting for approximately 75 percent of British Columbia's population.

Prevention, treatment, and control of epidemic, endemic, and other diseases

Immunization

730. In British Columbia, infants are routinely immunized against eight different diseases. Vaccines for diphtheria, pertussis, tetanus, polio, and Haemophyllus influenza B are available to all children, starting at two months and are given again at four, six, and 18 months. At 12 and 18 months, children are immunized against measles, mumps, and rubella. More than 80 percent of children in British Columbia are immunized by the time they reach their second birthday.

731. It is recognized, however, that there are regional variations in immunization coverage. Generally, Richmond and the Thompson regions consistently have high immunization rates approaching the national target of 97 percent. Other regions such as the Fraser Valley, North Okanagan, Peace Liard, and North West have immunization rates that fall below 80 percent. For some areas, immunizations statistics are not yet available. Plans for a province-wide immunization registry were initiated to help deal with this problem.

732. Advances during the reporting period include the launch of a second dose measles immunization program at schools and clinics. The program was aimed at all children from 19 months to 17 years (or the end of high school).

733. In addition, in 1997-1998, government began to offer an improved pertussis vaccine to ensure increased protection for thousands of children. That same year brought additional hepatitis B vaccines for thousands of Grade 12 students. As well, the year also marked a notification program advising people who had received blood transfusions before June 1990 to be tested for hepatitis C so that they could seek appropriate treatment and take precautions to prevent the spread of the disease if found positive for the disease.

734. In 1998-1999, the province initiated publicly funded pneumococcal immunizations for all those 65 and over. In addition, the hepatitis A immunization program was expanded resulting in a significant reduction in the overall number of cases. Finally, in this same time period, an immunization program was initiated for injection drug users and those with hepatitis C.

Tobacco

735. Tobacco use remained the single most important preventable cause of illness and death in British Columbia. More than one in five British Columbians is a smoker, and roughly 20 children start smoking every day. Across the province, smoking rates range from 17 percent to 29 percent. During 1998-1999, British Columbia greatly expanded its efforts to reduce tobacco use and its related illnesses. Steps taken included tougher enforcement measures aimed at retailers, testing and reporting on contents of tobacco and smoke, school-based prevention programs, and consultations with Aboriginal communities in preparation for an Aboriginal tobacco reduction strategy.

736. Second hand smoke exposure has a significant impact on people's health at work, in public places, and at home. The Workers' Compensation Board established a new regulation, which came into effect in April 1998, which prohibited workplace exposure to second hand smoke. Just one year previous, the government introduced the *Tobacco Damages and Health Care Costs Recovery Act*, unique in Canada, aimed at making the tobacco industry pay for the health care costs of tobacco-related illnesses such as cancer, heart disease, and stroke. In January 1998, the Province initiated a lawsuit against the Canadian tobacco industry.

Structural improvements

737. A new building for British Columbia's Centre for Disease Control, which will allow the Centre to better service the health needs of British Columbians was opened in 1997. The Centre works to control communicable diseases in the province through epidemiological analysis, provincial laboratory services, and prevention programs.

738. Also in 1997, the government established the HIV/AIDS Division of the Ministry of Health to ensure that a range of HIV/AIDS services is available across British Columbia. The Division provides leadership and guides the implementation of British Columbia's Framework for Action on HIV/AIDS in collaboration with key stakeholders, including representatives from the HIV/AIDS community, health authorities, and the province. The Division administers funds totalling over $11 million for community based HIV/AIDS services provided by over 50 HIV/AIDS organizations and needle exchanges. These services include needle exchanges, street outreach programs, HIV/AIDS service organizations for youth, women, and ethnic minorities providing food, housing, hospice, and respite for people living with AIDS and their caregivers.

Responding to challenges: improvements to British Columbia's health care system

739. In 1994, the province directed the Provincial Health Officer to undertake a wide consultation process in order to develop health goals and objectives that would reflect British Columbians' understanding of the social, economic, and environmental factors that affect health. A multi-sector advisory committee, chaired by the Provincial Health Officer, was set up to guide the development of objectives, recommend strategies, and

monitor and report on the progress of these health goals. After extensive public consultation, the following health goals were approved in 1998:

- positive and supportive living and working conditions in all communities in British Columbia;
- opportunities for all individuals to develop and maintain the capacities and skills needed to thrive and meet life's challenges and to make choices that enhance health;
- a diverse and sustainable physical environment with clean, healthy, and safe air, water, and land;
- an effective and efficient health service system that provides equitable access to appropriate services;
- improved health care for Aboriginal people; and
- reduction of preventable illness, injuries, disabilities, and premature deaths.

Aboriginal people

740. With respect to Aboriginal people, the consultations revealed that Aboriginal British Columbians continued to be challenged by the poorest health status among identified populations. Among the barriers to improving health, Aboriginal British Columbians have consistently identified a lack of access to services, the lack of meaningful participation or control in service delivery, and the absence of working relationships with health care providers.

741. A meeting of Aboriginal stakeholders determined that a Provincial Aboriginal Health Services Strategy in British Columbia must be developed to improve the health of Aboriginal people to harmonize their health status with that of other British Columbians. To achieve these goals, the stakeholders established a steering committee to develop recommendations that would improve access to health care, increase Aboriginal involvement in decision-making and planning for health services, and promote working relationships among Aboriginal communities, governments, health authorities, and other stakeholders. In 1998-1999, the Ministry of Health developed a framework for a Provincial Aboriginal Health Services Strategy, which will be developed jointly with the Aboriginal community.

742. Some concrete improvements in this regard include the provision of $250,000 worth of funding to the Prince George Native Friendship Centre for the renovation of its building. The Friendship Centre will assist in the delivery of health care programs. People using the Centre will be able to receive general health information as well as more specialized services such as drug and alcohol counselling, traditional spiritual counselling, sexual abuse prevention information, and support services to assist in raising healthy babies.

Rural health services

743. Steps were also taken during this reporting period to address the disparity in health care status between rural and urban centres in British Columbia. The Office of Primary and Rural Health Services was created in 1998 to improve British Columbia's primary health

care system and to bring a ministerial focus to provincial rural and remote health care issues. Working jointly with other stakeholders and other inter-ministerial departments, the office will co-ordinate policies, legislation, programs, and initiatives within the context of a regionalized health care system.

744. The Office of Primary and Rural Health Services works with the Provincial Coordinating Committee on Remote and Rural Health Services. The latter organization was also established in 1998 to provide a cross-jurisdictional forum for stakeholders to share information and ideas on health care delivery in rural and remote communities and to coordinate information and actions on health care delivery in these communities. The Committee is mandated to make recommendations to the Deputy Minister of Health on issues regarding the provision of health care services to remote and rural communities.

745. As part of this ongoing commitment to improve access to health care in remote and rural areas, the province announced new initiatives to relieve pressures on health care services in British Columbia's hard to serve areas. These include expanding the northern and rural locum program, expanding the northwest teleradiology project and the telehealth physician consultation program, as well as adding new rural training opportunities for physicians. Finally, a new physician outreach program has been introduced.

Primary health care

746. Other steps to improve the delivery of primary health care include the joint research project between the provincial Ministry of Health and Health Canada. The Primary Care Demonstration, launched in September 1999, is to test innovative ways of funding and delivering primary health care. The goal of the project is to develop and assess new mechanisms aimed at making service delivery more responsive to patient needs while also improving the efficiency and effectiveness of the health care system.

Children and youth

747. Special attention was paid to improving the health of British Columbia's children and youth. In April 1996, the Healthy Kids program, administered under BC Benefits, was introduced to provide up to $500 annually for dental and optical care for eligible children aged 12 and under in low-income families. As of January 1997, dental coverage increased to $700 per child and was extended to all children 18 and under in eligible families. Vision care benefits, which include basic eyeglasses, also became available to all children 18 and under in eligible families.

748. In the following year, the government released a plan to reduce injuries among children and youth. The plan was developed in consultation with more than 150 stakeholder groups and recommended injury prevention targets for children and youth aged 0 to 24 years. Unintentional injuries are the leading cause of death for this age group. To support the plan, $250,000 in new funding was approved for injury prevention research.

749. In 1997-1998, the Ministry for Children and Families initiated a suicide prevention initiative, since suicide is the second leading cause of death for those aged 15-24 years. Suicide prevention activities included:

- development of a Provincial Framework document to promote a better understanding of the issue of youth suicide;
- distribution of the *Manual of Best Practices in Youth Suicide Prevention* that specifically highlights mental health promotion, prevention, and early intervention strategies
- implementation and evaluation of seven locations participating in community risk prevention activities with schools
- production of a newsletter, *Lifenotes*, distributed to over 1,000 agencies and individuals in British Columbia; and
- development of clinical parameters for suicide intervention to assist mental health clinicians.

750. At the same time, the Ministry for Children and Families, in partnership with the Ministry of Health, also initiated an Early Psychosis Identification and Intervention program. This innovation was also meant to assist youth struggling with mental health issues.

751. This work continued in 1999 when the province began to develop a Child and Youth Mental Health Plan for British Columbia to guide the evolution of child and youth mental health services. The Plan provides a policy framework document, a description of the mandate of child and youth mental health services, and an action plan to assist in more effectively delivering mental health services.

Seniors

752. At the other end of the age spectrum, the government began work on a comprehensive continuing care strategy to help it and local decision makers respond to the health needs of British Columbia's growing disabled and aging populations. A report entitled *Community for Life: Review of Continuing Care Services* (available online at: http://www.healthplanning.gov.bc.ca/cpa) was released in the fall of 1999 and provided policy advice and recommendations to the provincial Ministry of Health and health authorities on how to manage and deliver quality continuing care services.

Mental health

753. Improvements were made to mental health services as well. Following consultations with mental health stakeholders, the Ministry of Health released its *Revitalizing and Rebalancing British Columbia's Mental Health System: the 1998 Mental Health Plan*, available online at: http://www.healthservices.gov.bc.ca/mhd. The aim of the Plan was to promote cooperation among health authorities, relevant government entities, and other stakeholders to support the development of comprehensive, integrated regional mental health care systems for British Columbians with the most serious and disabling mental illnesses, for their families, and for the communities in which they live.

754. The 1998 Plan will be implemented over seven years. The Ministry of Health announced a $5.7 million package of programs to support the Plan, including expansion of community mental health services, intensive community support for people with mental illness, and relief of pressure on emergency and acute care psychiatric facilities.

Diversity

755. Advances have also been made with respect to providing culturally sensitive health care. In 1995-1997, the province funded the Multicultural Change in Health Care Services project, a two-year $250,000 initiative involving 22 hospitals and centres in Greater Vancouver to assist them to develop culturally responsive health services for the growing cultural diversity of the community. Provincial conferences on inclusive health care and cultural diversity have also been supported.

756. Finally, general health education programs were established in this reporting period. Partnerships for Better Health, a two-year health education pilot project designed to examine the effectiveness of putting health information directly in the hands of individuals, got underway in 1997. Results after the first year showed a high readership of the self-care materials with the majority of participants indicating an increase in knowledge and confidence in dealing with minor health care problems through self-care.

Article 13: Right to Education

Primary and secondary education (Kindergarten to Grade 12)

General

757. The government of British Columbia funds a public system of education that spans from Kindergarten to Grade 12, covering students from age 5 to age 17. Some provincial funds are also available for most independent schools. Sources for these funds are both provincial revenues as well as transfer payments from the federal government.

758. Each year, the province allocates these joint monies in the form of provincial grants to school districts for public education. Allocation is achieved through a series of calculations known as the funding allocation system. This system is based on relative costs for providing education at the district level. Supplemental funding to cover capital costs and other specific programs is also provided.

759. It should also be noted that not only is primary and secondary education free in British Columbia, it is mandatory to Grade 10. That is to say, the earliest a youth may decide to abandon his or her studies is at age 16.

Structure

760. Schools in British Columbia are organized into approximately 60 school districts, each governed by elected school boards. It is the role of each school board to manage schools in their district cost-effectively and in accordance with the *School Act*. They are also responsible for setting education policies that reflect the needs and wishes of the community and that are consistent with overall provincial guidelines.

Size

761. The following statistics provide a snapshot of the primary and secondary education systems in British Columbia for the 1997-1998 fiscal year:

- Enrolment in British Columbia's public and independent schools stood at 690,000 students.
- There were 60 school boards.
- There were 38,126 teachers who worked across 1,737 public schools.
- There were 3,764 teachers working in 350 independent schools.

Completion Rates

762. One of the traditional measures of success of an education system is its completion or graduation rate. In 1994-1995, the completion rate, which is the percentage of students who were in Grade 8 five years earlier who were expected to graduate "on time," was 69 percent in the regular secondary school system. This 1994-1995 rate was higher than in any previous year.

763. In addition to those students who completed high school through regular programs, a further 9 percent obtained alternate high school completion certificates. The majority of alternative certificates granted in 1994-1995 were General Educational Development Certificates. The General Educational Development program is open to adult residents of British Columbia who have been out of a school system for at least one year and who have not graduated from a secondary school. In essence, it is a high school equivalency certificate.

764. When the attainment of alternate high school certificates is considered along with other traditional paths to graduation, high school level completion in British Columbia in 1994-1995 approximated 78 percent. This figure showed a slight improvement over the five years previous to that.

765. Over the reporting period, British Columbia's completion rate with respect to primary and secondary schools continued to rise. By 1997-1998, the completion rate for students receiving a Dogwood diploma, the marker of traditional high school graduation, reached over 72 percent. Alternative high school credentials accounted for another 7 percent of student completions, bumping the total completion rate up to approximately 83 percent.

By 1998-1999, the Dogwood diploma completion rate had climbed another 3 percent to 75 percent, continuing the positive trend.

Improving access

766. A wide range of social, geographic and economic factors influence student performance in school. One of the greatest challenges to British Columbia's school system is responding to conditions of disadvantage in order to give every child an equal opportunity to succeed.

767. Barriers to education include hunger, language deficiencies, disabilities, family instability, racism, and sexism. For example, it is well recognized that Aboriginal students have much lower completion rates than their non-Aboriginal counterparts. In fact, during the reporting period, the completion rate for Aboriginal students was roughly half that of non-Aboriginal students. Students whose first language is not English also have lower graduation rates.

768. Various initiatives were implemented during the reporting period to improve access to British Columbia's primary and secondary education systems:

- In 1994-1995, Aboriginal education programs were expanded to 65 school districts. Over 92 percent of Aboriginal students enrolled in British Columbia's public education system participated in these programs.

- Also in 1994-1995, the government implemented a number of Aboriginal educational initiatives including band/school district curriculum partnerships, a CD-ROM culture awareness initiative, an Aboriginal education computer network, staff development training, development of a British Columbia First Nations Studies 12 curriculum, and a First Nations learning resource database.

- The Kids at Risk Initiative was implemented in 1994-1995. This was a series of pilot projects designed to integrate social and educational services at the school and community level to better serve the unique needs of students at risk.

- The School Meal Program was expanded to serve 31 new schools. The Inner City Schools Program expanded to 37 new schools during 1994-1995.

- In 1994-1995, English as a Second Language funding increased to $73.6 million up from $58.2 million in 1993-1994.

- Special Education programs designed to meet the unique education needs of both the disabled and the academically gifted were improved in 1994-1995. Education resources and services that facilitated learning for students with special needs included Special Education technology centres, a provincial resource centre for the visually impaired, and specialized programs for students in hospitals and correctional centres.

- In 1996-1997, over $570 million was budgeted to improve equity of access in the Special Education, Francophone, English as a Second Language, and Aboriginal programs.

- In 1998-1999, Kindergarten classes were reduced from as high as 26 students to a maximum of 20, the first step in a five-year plan that will see primary school classes (kindergarten to Grade 3) averaging 18 students or fewer. Smaller classes mean more individual attention and support for students during the critical early years of learning.

- To accommodate smaller classes, over 500 teachers were hired in 1998-1999.

- Also in 1998-1999, electronically distributed programs for home-based schooling under the supervision of school districts or distance education schools were planned in 18 sites across British Columbia. Seventeen of these sites became operational and were evaluated in [illegible] 1999. The evaluation will help determine future delivery, programming, and mechanisms for future evaluations.

Other achievements

769. This section provides information on capital expenditures, new school construction, and accessibility of structures. Over the reporting period, the following advances have been made:

- In 1994-1995, there were 20 new or replacement schools creating 7,750 student spaces, as well as 44 additions or renovations creating 6,125 spaces.

- In 1994-1995, only 57 percent of public schools were accessible to people with disabilities. Between 18 and 28 projects were completed in that year, funded on a demonstrated needs priority base, in order to meet the long-term goal of ensuring that all schools are fully accessible.

- In 1997-1998, there were 20 new schools, additions and renovations to existing schools across 13 separate school districts, representing an expenditure of nearly $212 million.

- In the last fiscal year of the reporting period, 1998-1999, the province expended $411 million in capital funding to create 15,975 new student spaces and reduce the number of portable classrooms in the province. Upon completion of the new space construction projects, 514 portables will be eliminated.

Budgets

770. Throughout the reporting period, the province has spent approximately 4 percent of its gross domestic product or $4 billion on education expenditures for its primary and

secondary education systems. Government expenditures on education, at approximately 19 percent of the total provincial budget, were surpassed only by those in health care.

British Columbia's Expenditures on Primary and Secondary Education (1994-1999)

1994-1995	1995-1996	1996-1997	1997-1998	1998-1999
$3,800,000,000*	$3,858,818,512	$4,009,381,829	$4,096,149,883	$4,156,620,555

* This is an approximate figure.

Post-secondary education

General

771. British Columbia's post-secondary system is comprised of 29 institutions, including universities, university colleges, colleges, technical institutes, and the Open Learning Agency (OLA). This latter body offers a range of college and university-level programs leading to certificates, diplomas, and degrees, and it works in partnership with other post-secondary institutions to provide distance learning. OLA operates Knowledge Network, a television channel with a mandate to provide educational programming to the general public. It also co-ordinates the International Credential Evaluation Service and the education "Credit Bank," which assesses and gives credit for previous formal and non-formal learning.

Structural changes

772. In the spring of 1998, the Ministry of Education was split into two separate ministries. The Ministry of Education covered Kindergarten to Grade 12 while the Ministry of Advanced Education, Training, and Technology was responsible for post-secondary education and training. This change has allowed the Ministry of Advanced Education, Training, and Technology to direct its full attention to improving learning for post-secondary students.

773. The mandate of the newly formed ministry responsible for post-secondary institutions in British Columbia is to ensure that all British Columbians have opportunities to develop the skills and knowledge they need to live productive and fulfilling lives by contributing to the economic, social, and cultural life of the province.

Cost

774. Higher education is not free in British Columbia nor in any jurisdiction in Canada. However, it is subsidized. In an attempt to improve access to post secondary education, the government introduced a tuition freeze in 1996-1997. For two semesters of full-time study in an undergraduate Arts and Sciences program, the average tuition in British Columbia was $1,970. This tuition level compared very favourably across Canada: only Québec's average tuition was lower at $1,670.

775. The freeze remained in effect in 1997-1998. At that time, the gap between average tuition in British Columbia and the Canadian average continued to widen: British Columbia's average tuition remained constant at $1,970 while the Canadian average climbed to $2,850.

Access to post-secondary education

776. Approximately 40 percent of public high school graduates in 1997 met university entrance requirements. At that time, entrance to most universities was based on a grade point average of 2.5 (C+) or better on the average of English 12 and three other courses acceptable to the university. Average university eligibility rates for students in 1997 varied among districts, ranging from a low of 16 percent to a high of 71.3 percent.

777. Of those who were eligible in 1997, roughly 17 percent of graduates aged 18-24 went on to college and another 17.5 percent attended university. In fact, over 96,000 of British Columbia's youth aged 20-24 were enrolled in a college, institute, or university in the fall of 1997, representing 40 percent of all British Columbians in that age group. Others entered apprenticeships, enrolled at private training institutes, or studied at post-secondary institutions outside British Columbia.

Improving access

778. British Columbia has been successful at encouraging access to its higher education system, and the increased access is reflected in the growing utilization rate. The utilization rate is the number of students who actually attend a given institution as opposed to budgetary projections of student enrolment used to calculate an institution's entitlement to provincial funding. Over the four years between 1995-1996 and 1998-1999, the utilization rate reached 103 percent meaning that actual student enrolment surpassed budgetary planning levels.

779. That greater access has been achieved is witnessed by Statistics Canada data which showed a 16 percent increase in full-time undergraduate and graduate students at British Columbia universities from 1993-1994 to 1998-1999. Enrolment growth over the same period in the rest of Canada was only 0.6 percent.

780. In order to keep pace with growth, the government increased the number of new student places at public post-secondary education institutions by 2,900 in 1997-1998. Five hundred of those 2,900 spaces were designated for high technology programs in response to a Minister's Summit on Software Industry Skills Shortages held in July 1997. These 2,900 new spaces built on the 7,000 spaces that were created in the previous year.

Aboriginal students

781. In May 1997, the Ministry of Advanced Education, Training, and Technology began to implement the Aboriginal Post-Secondary Education and Training Policy Framework. Its purpose was to increase the participation and success rates of Aboriginal people in post-

secondary education and training. The policy framework forms part of the strategic plan for British Columbia's college, university college, institute, and agency system. In addition, universities and the Industry Training and Apprenticeship Commission have adopted its intent.

782. To support this policy framework, the province has committed $3.8 million to Aboriginal programs at the post-secondary level in the 1998-1999 fiscal year. These include: direct support for 21 First Nations co-ordinators in public institutions in the province; encouragement for the development of Aboriginal Advisory Committees in all post-secondary institutions in British Columbia; and continuing financial support through the Aboriginal Special Project Fund for bridging, access, and other enhanced student support programs.

Financial assistance

783. Access to student loans was also expanded. In 1997-1998, a change was made to the British Columbia Student Assistance Program (BCSAP) to allow single parents one extra year in which to complete their program and still qualify for loan remission. This was in response to a gender impact analysis conducted by BCSAP in 1995-1996, which showed that single parents, 82 percent of whom were women, were often unable to quality for loan remission owing to delays in completing their study programs because of family responsibilities.

784. Levels of student assistance under BCSAP increased generally in this period. Total awards for student loans increased to $132.68 million, while grants rose to $49.33 million. These met the needs of more recipients, while increasing the level of average awards to those recipients.

785. In addition, in 1998-1999, the province distributed more than $15 million in scholarships, bursaries, awards, grants, and competitions to British Columbian high school graduates. The awards and scholarships were designed to encourage achievement and assist students to make the transition from high school to post-secondary education.

Mature students

786. Also during the reporting period, the government expanded access to post-secondary institutions by mature students. For many older students, the prospect of having to start at the beginning of formal education was not feasible in the face of family and work responsibilities. As a consequence, the province introduced the Prior Learning Assessment (PLA) which acknowledges the skills acquired by individuals through life experiences and work. These experiences are credited to the students' post-secondary educational programs objectives and to course and program requirements. PLA is designed to reduce the amount of time these students need to spend back at school.

787. Funding for the PLA program totalled $790,000 in 1997-1998 and was provided to 25 post-secondary institutions. As a result, PLA opportunities were available to the equivalent of 132 full-time students.

Other achievements

788. In 1997-1998, funding for capital projects totalled $71.7 million. The university expenditure level was $30.8 million while the colleges' and institutes' was $40.9 million. The most significant projects included:

- constructing a child care addition for Langara College and the completion of a child care facility at the Castlegar campus of Selkirk College;
- renovating the campus at Royal Roads University; and
- completing a shared facility for the David Thompson Secondary School and the College of the Rockies. Sharing the facility is viewed as a cost-effective approach to improving access and affordability to the post-secondary system.

789. Expenditure on capital projects totalled $80.8 million for the 1998-1999 fiscal year, with $27.9 of that allocated to universities. These improvements included:

- opening a new campus of the Northwest Community College in Hazelton. The new campus provides space for 130 full-time student equivalents and will help meet the enrolment needs of local First Nations people. The building offers four classrooms, a computer lab, space for student services, and administrative facilities.
- opening a new library at North Island College in Courtenay.
- completing a major retro-fit of the Kamloops campus "C" Block of the Old Main Building of the University College of the Cariboo, following the opening of the new Applied Industrial Technology Centre. The retro-fit provided new space for office administration, fine arts, and tourism programs.
- beginning construction of the second phase of Kwantlen University College campus. At completion, it is expected to accommodate an additional 1,000 full-time student equivalents.
- approving funding for a new joint campus in Merritt for the Nicola Valley Institute of Technology and the University College of the Cariboo. The new campus will replace leased spaces.
- agreeing to build a new university called the Technical University of British Columbia in Surrey. The focus of this university is to provide education in applied technology field to enable students to succeed in a knowledge driven economy.

Budgets

790. In 1998-1999, the budget for post-secondary education climbed to $1,059,911,654, up 2.1 percent from the previous year's figure of $1,037,683,589.

Adult education and literacy

791. The province removed all tuition fees for adult basic education (ABE) programs offered at public post-secondary institutions in 1998. ABE provides access to preparatory courses and skills, ranging from basic literacy to provincial and adult secondary school completions, and leads to one or more of the following goals: further education, employability skills, and life management skills. About 21,000 students use these programs offered at colleges. Another 33,000 students take ABE offered by school districts. These programs were already free.

792. For the 1998-1999 year, the province allocated $1.8 million for literacy activities in British Columbia through a partnership programs between the Post Secondary Division of the Ministry of Advanced Education, Training, and Technology and the National Literacy Secretariat of Human Resources Development Canada. Eighty-five projects were funded for the year. The provincial portion helped fund the following:

- a 1-800 toll free telephone line and referral services of Literacy BC;
- regional literacy co-ordination in nine regions of the province; and
- 30 projects offering one-to-one literacy tutoring and literacy group activities in British Columbian communities.

Independent schools

793. The province of British Columbia also provides choices for parents who do not wish their children to attend schools within the public school system. The government provides some funding to independent schools. For example, in 1997-1998, British Columbia funded approximately 350 independent schools within the primary and secondary school systems.

794. This choice extends to post-secondary institutions as well. Trinity Western University is an example of a private university located in the Vancouver region.

Training and vocational opportunities

795. The province also funds Skills Development programs. The focus of these programs is to assist clients' entry into the workforce. Programs include the Youth Works/Welfare to Work, Workplace-based Training, and Vocational Rehabilitation Services. These will be explained in turn.

796. The Youth Works/Welfare to Work programs assist Youth Works and income assistance recipients to improve their employability skills and thereby strengthen their attachment to the labour market. The program began in January 1996. The scheme replaced income assistance for youth aged 19 to 24 with a living allowance while at the same time guaranteeing access to employability programs. Welfare to Work provides the same programs to those aged 25 and over, subject to program availability. By 1997-1998, the

programs assisted over 80,000 clients in moving off income assistance into further training or employment.

797. Workplace-based Training places Youth Works and Welfare to Work clients into employment positions that provide training, work experience, and the prospect of long-term employment. This program was implemented in 1996-1997.

798. Vocational Rehabilitation Services (VRS) is designed to ensure that people with permanent mental or physical disabilities have access to comprehensive training, education, and employment opportunities. VRS facilitates the development of vocational goals and training strategies that reflect the individual's needs as well as the realities of the competitive workforce. In 1996-1997, VRS provided services to over 6,000 British Columbians with disabilities. In 1997-1998, that figure grew to 3,751 clients who received direct services from vocational rehabilitation consultants and 5,907 clients who received indirect services from contracted agencies.

799. A related program is the Public Service Training Program. This program provides British Columbians with disabilities with the opportunity to pursue on-the-job training and employment in the public service through placements in the public service. The Ministry of Advanced Education, Training, and Technology reimburses the host ministry for 50 percent of the placement wages and benefits. In 1997-1998, there were 43 such placements. Total program expenditures were $273,000.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

800. British Columbia recognizes the significant contribution made by the arts and cultural community to the life of the province and is committed to supporting and developing that community. As a result, the province administers programs that assist community and professional arts and cultural organizations as well as individual artists. In addition, greater access to cultural and artistic experiences is encouraged throughout British Columbia.

801. For example, British Columbia established the British Columbia Arts Council with a mandate to:

- provide support for arts and culture in British Columbia through public education and research; award grants; and produce information on the Arts Council and the arts culture in British Columbia generally;
- provide persons and organizations with the opportunity to participate in the arts and culture of British Columbia; and
- provide an open, accountable, and neutrally administered process for managing funds for British Columbia arts and culture.

802. Program areas of the Arts Council include: media arts, museums, theatre, visual arts, dance, and literary arts. Each year, the Council supports varied activities such as arts festivals, arts training resources, and community arts development.

803. The government also supports the British Columbia Cultural Foundation whose aim is to promote private sector investment in arts and culture. On behalf of the people of British Columbia, the Foundation accepts donations, bequests, and gifts to develop arts and cultural activities and facilities throughout the province.

804. The Foundation works closely with not-for-profit arts organizations and estate planners to promote its mandate and to ensure tax advantages for prospective donors. The Foundation accepts gifts from individuals and corporations and makes grants to qualifying arts organizations and municipalities through British Columbia. The Foundation supports endowments, special projects, and the acquisition, renovation, and maintenance of capital property for arts and cultural activities.

805. Finally, the government has taken great pains to expand and diversify the cultural industry sector. Targeted industries include film, video, multimedia, book and magazine publishing, sound recording, and craft and design. Programs include:

- Cultural Industry Associations Operating Assistance: Funding is available for industry associations representing cultural industries, such as British Columbia's burgeoning film industry, to deliver services to members in order to strengthen and advance the industry as a whole.

- Cultural Industries Project Assistance: Assistance is available to develop and implement projects that contribute to the stability, product quality, product awareness, economic strength, and infrastructure of cultural industries. Professional training, marketing and promotion, strategic planning, and demonstration projects are examples of eligible initiatives. Eligible applicants are primarily industry associations and cooperatives rather than individual firms.

- Block Funding for Book Publishers: Funding is available to British Columbia book publishers for books that contribute in an original and creative way to the development of provincial or national arts and culture. Awards are based on the number of eligible books and the professional excellence of an applicant's publishing program, as determined by the Publishing Advisory Committee, which consists of five professionals active in the field of book publishing.

- Music Industry Travel Assistance Program: Assistance is available to recording artists and their business representatives to participate in performance touring or showcasing initiatives, or to business representatives attending industry events, implemented in conjunction with the release of a recorded sound project.

- Film Production Tax Credit Programs: These programs are designed to offer refundable corporate income tax credits based on labour expenditures incurred in producing eligible film and video productions. For example, the BC Production Services Tax Credit offers an incentive of a refund of 11 percent of eligible labour costs to B.C.-based film or video corporations that either own the copyright of the production in question or has contracted with the copyright owner to render production services.

806. Related agencies include the British Columbia Film Commission, which was established in 1978. Its mandate is to market the services of British Columbia production, post-production, and ancillary service companies to the national and international film and television industry, and to promote the province as a filming location. The Commission's activities include international marketing, production/location services, community liaison, and statistical compilation. The Commission works with regional and community based film offices to market locations and facilities outside the Vancouver area.

807. In 1994, the government ensured free access to basic library service by passing the *Library Act*. The Act requires all public libraries to provide free access to basic library services for residents and electors in the area served. Basic public library services include art prints, audiotapes, compact discs, books, Braille books and periodicals, CD-ROMs, computer diskettes, maps and charts, microforms, movies, music scores, newspapers, pamphlets, periodicals, photographs, videotapes, video laser discs, and vinyl records.

808. In addition, British Columbia administered library grants from both government and private sources to ensure free public access to the Internet and to electronic mail from public libraries. In 1995 and 1996, these grants totalled $2.1 million.

Science and technology

809. British Columbia recognizes the importance of science and technology and has maintained ongoing efforts to raise the profile of the science enterprise in the province. The result is continuing scientific progress highlighted by accelerating growth of its high-tech community, a continuing supply of highly qualified technical people to industry sectors, and a public awareness of the value of science and technology in everyday life.

810. During the reporting period, British Columbia provided operations and programs grant funding from a budget of approximately $25 million to support agencies, institutions and community organizations gain access to and benefits from the science enterprise.

811. British Columbia has long been a leader in Canada in developing the science culture. The Province continued implementing its Partners in Science Awareness Program, which coordinates various initiatives at the individual, corporate and community levels that help develop public appreciation and understanding of science and technology through such activities as Regional Science Fairs, Scientists and Technologists in the Schools, and including direct support of technical conferences that incorporate public venues for the lay community. With changing annual themes (e.g. Inventors: The Spirit of Innovation;

Technology at Work: Explore Careers; Discover the Scientist in You), promoted by distribution of 90,000 booklets in comic-book format to primary and secondary schools and event venues, British Columbia culminates its annual science culture programming by celebrating the Festival of Science and Technology, a 10-day program of events province-wide involving industry, community centres, shopping malls and in-class project activities for primary and secondary school students.

812. British Columbia pursued international contacts and cooperation during the latter part of the reporting period through the Science Council of British Columbia's international advisory board and memoranda of understanding with countries of the western Pacific for collaboration in science activities. The Ocean Research Network for the Pacific, focusing on the sustainability of the Pacific Ocean environment, received formal recognition within the Asia Pacific Economic Cooperation framework at the 1997 Canada APEC Summit meeting.

813. Science World British Columbia, the HR Macmillan Space Centre, and the Vancouver Aquarium developed the Engaging Science program to enhance the elementary school science curriculum. From the time it was developed in 1996 until 2003 more than 50 percent of the province's kindergarten to grade seven teachers have benefited from the program. Teachers are provided with access to experts at the three institutions in the areas of earth science, environmental science, life science and space science. They are provided with classroom activities and teaching resources.

Alberta

Introduction

814. Alberta's human rights legislation, *Human Rights, Citizenship and Multiculturalism Act*, was amended in 1996, to provide more effective legal remedies for social and economic rights by adding additional grounds to the province's human rights legislation: source of income and family status. With the inclusion of family status, families are protected from discrimination in the enumerated areas, e.g. tenancy, employment, and services.

815. Alberta endorsed the Ministerial Council on Social Policy Reform and Renewal's December 1995 *Report to Premiers.* The Report's principles are similar to those of the Covenant:

- "Social policy must assure reasonable access to health, education and training, income support and social services that meet Canadians' basic needs."
- "Social policy must promote social and economic conditions which enhance self-sufficiency and well-being, to assist all Canadians to actively participate in economic and social life."

816. Alberta signed *A Framework to Improve the Social Union for Canadians* with the federal, provincial and territorial governments on February 4, 1999. Governments agreed to the principle, "Respect the equality, rights and dignity of all Canadian women and men and their diverse needs." Additional information on the Framework can be found in the Introduction to this report.

Article 6: Right to Work

Establishment of the new Ministry

817. In May 1999, the new Ministry of Alberta Human Resources and Employment was established with a new mandate to support the development of all Albertans so they can contribute to and share more fully in the province's prosperity. According to the 1999-2000 annual report, the Ministry's mission statement is:

- Alberta Human Resources and Employment contributes to the Alberta Advantage by working with partners to:
    - ▸ Assist Albertans to reach their full potential in society and the economy
    - ▸ Foster safe, fair, productive, innovative workplaces
    - ▸ Support those in need.

818. Since 1994, Alberta Aboriginal Relations has provided approximately $1.5 million to Aboriginal organizations and communities to support employment and training

opportunities. Aboriginal organizations and communities are also eligible for grants, programs and services available through other provincial departments. Two examples of initiatives supported by Aboriginal Relations are the Métis Settlements Economic Viability Study and the Sahpohtawahk Training Centre.

819. The Métis Settlements Economic Viability Study was a 3-year, $1 million project, with the goal of creating strategies for each Métis Settlement to achieve improved and sustainable economic viability. In addition to developing studies on the main sectors of the settlements' economies, the project examined the social, cultural and governance structures that affect economic development on the settlements.

820. With funding from Aboriginal Relations, the Sahpohtawahk Training Centre in the remote community of Fort Chipewyan was able to establish a comprehensive computer lab. The lab enables the Centre to provide computer literacy programs to community members of all ages.

821. Alberta Human Resources and Employment has a province-wide network of Career Development and Labour Market Information Centers to provide labour market information and career planning assistance. The Alberta Learning Information System (ALIS) Web site informs users of occupational demands, educational requirements and labour market information. As well, it helps users to explore career choices, access student funding and educational information. The Job Order Bank Services provides information on work opportunities, recruitment and employer assistance programs. The Skills Development Program provides people with financial assistance to attend academic upgrading, integrated training, English as a Second Language or apprenticeship programs.

822. Of the jobs created in Alberta during 1995-2000, more than 60 percent required some form of post-secondary learning. The Government of Alberta's omnibus survey in 1998 showed that 72 percent of Aboriginal people, 47 percent of persons with disabilities and 75 percent of recent immigrants find employment. Alberta youth have a very high rate of participation in school or the workforce. In 1998, the proportion of youth 15-19 years attending school or participating in the workforce was 98.5 percent.

823. In December 1996, Alberta signed a Labour Market Development Agreement with the Government of Canada. Effective April 1, 1997, Alberta assumed responsibility for the design and delivery of employment/training programs and services to Employment Insurance clients. Labour market programs and services provide clients with the skills necessary to quickly re-enter the work force. In 1998-1999, over 100,000 Albertans participated in Career Counselling and Group Workshops, Job Placement, Self-Employment, Skills for Work, Training on the Job, Skills Training and Basic Foundations Skills Training interventions.

824. *People and Prosperity* is Alberta's cross government human resource strategy first announced by the Premier in 1997. The goal is to ensure that all Albertans are ready to

meet emerging workforce challenges and to achieve their personal and economic potential. The four priority areas are:

- meeting future skill and workforce demand
- maximizing workforce effectiveness
- providing children and youth with a strong foundation for the future, and
- building vibrant and supportive communities.

825. In 1998, there were 30,000 registered apprentices in Alberta, the highest participation in the system's history. Youth Connections is a key component of the Alberta government's Youth Employment Strategy and is aimed at increasing youth employment and ensuring that more young people have access to career training. The program was first introduced as a pilot in Calgary and Edmonton in 1997 and has since been expanded to 32 locations across the province.

Technical and vocational guidance

826. Career and Technology Studies (CTS) is an optional program designed for Alberta's secondary school students. As a program of choice, CTS helps junior and senior high school students to:

- develop skills they can apply in daily living now and in the future;
- investigate career options and make effective career choices;
- use technology (processes, tools and techniques) effectively and efficiently;
- apply and reinforce learnings developed in other subject areas;
- prepare for entry into the workplace or further learning.

827. The CTS program helps students to build basic employability skills and to develop in areas such as problem solving and innovation, working with others and demonstrating responsibility. Skills are developed through a "learning by doing" approach to course content. Students also investigate and assess career options and post-secondary programs and have opportunities to earn credentials recognized in the community, the workplace and post-secondary institutions. Businesses can work in partnership with schools to provide CTS instruction assistance and work experience for students.

Employment and training programs

828. Alberta Human Resources and Employment provides a variety of employment and training programs designed to enhance the opportunities for individuals to obtain meaningful full-time employment. For example, co-op programs alternate periods of work experience with periods of higher education study, while the Summer Temporary Employment Program (STEP) provides a similar opportunity in summer employment. Alberta Human Resources and Employment may also hire post-secondary graduates on internship programs. In each case, the programs are intended to help individuals find work at the completion of their studies.

Employment of older persons

829. According to the 1996 Statistics Canada Labour Force Survey, 11.1 percent of Albertans over the age of 65 considered themselves to be members of the workforce (17.6 percent of males and 5.8 percent of females).

830. According to the 1999 Statistics Canada Labour Force Survey, 10.7 percent of Albertans over the age of 65 considered themselves to be members of the workforce (16 percent of males and 6.4 percent of females).

831. In September 1998, Alberta initiated a government-wide study on the impact of the aging population. The purpose of the study was to provide recommendations for future Alberta policy directions for seniors' policies and programs, in view of the expected increase in the aging population. One of the issues identified was the current employment situation of older people and the need to provide more flexible and appropriate options for work and retirement.

Retirement

832. Alberta has no mandatory retirement legislation or policies that require workers to retire at a certain age. Age is a protected ground of discrimination in employment under the *Human Rights, Citizenship and Multiculturalism Act.* Unless an employer can justify a certain age as a bona fide occupational requirement there is no mandatory age of retirement that an employer can enforce on an employee.

833. Certain employee pension plans and collective agreements have mandatory retirement policies that require workers to retire at 65. On occasion complaints have been made to the Alberta Human Rights Commission, but the employers have been able successfully to justify age as a bona fide occupational requirement.

834. Certain private and government pension plans also provide financial incentives for early retirement or disincentives for working beyond the standard retirement age.

835. The above-mentioned report on the impact of the aging population supports a new concept of retirement whereby retirement is defined by a person's desire and ability to keep working rather than by age.

Article 7: Right to Just and Favourable Working Conditions

836. Employment standards legislation in Alberta, through the *Employment Standards Code*, addresses matters including the minimum wage, hours of work and overtime, rest periods, rest days, vacations, general (statutory) holidays, maternity and adoption leaves, and notice of employment termination.

837. In the period covered by the report, the *Employment Standards Code* was reviewed for plain language and general organization. A number of minor changes were introduced

whose intent was to streamline the administration of the Code and facilitate greater compliance with the minimum standards provisions.

838. In 1998, the Alberta Government undertook a review of the Employment Standards regulation, including the legislated minimum wage. Albertans participated in this review by providing their views through questionnaires, written submissions and focus groups. As a result of the review, the minimum wage was increased in three increments and the differential of $.50/hour for students under the age of 18 was eliminated. The minimum wage was increased from $5.00 per hour to $5.40 on October 1, 1998, then to $5.65 on April 1, 1999, and the final increase to $5.90 per hour was made on October 1, 1999.

839. The *Occupational Health and Safety Act*, outlined in Canada's Third Report under this Covenant, applies to everyone in Alberta who is engaged in an occupation with the exception of:

- Farming and ranching operations;
- Work done by the occupant or household servants of a private dwelling;
- Occupations and employers covered under federal law.

840. The *Radiation Protection Act* applies to all Albertans, except those covered under federal law.

Article 8: Trade Union Rights

841. The Alberta *Human Rights, Citizenship and Multiculturalism Act* ensures that no trade union shall exclude any person from membership, expel or suspend any member, or discriminate against any person because of enumerated grounds.

842. Provincial legislation does not restrict the right for any person to belong to an organization calling itself a "trade union," subject to that organization's own constitution, local rules, by-laws and the above mentioned human rights legislation. However, simple membership in an organization does not confer bargaining agent status nor make one a unionized employee. The Labour Relations Board (LRB) outlines a process for certifying employees who wish to be represented by a union.

843. Provincial legislation requires that, before a trade union can be certified as a bargaining agent, it must file its constitutional documents with the LRB. As part of its first certification attempt, the applicant must be formally recognized by the LRB as a trade union as defined in the *Labour Relations Code* (Code).

844. The Code gives most workers who fall under Alberta jurisdiction the right to join or form unions. It does not include provincial government employees or police officers, whose union rights are covered by separate pieces of legislation. Most agricultural workers, and live-in domestics as well as members of the architectural, dental, medical or engineering professions, do not have access to bargaining rights under the Code. Finally, managers

and employees employed in a "confidential capacity in matters relating to labour relations" are excluded from union representation.

845. While the Code outlines the procedures by which successor rights are determined when unions change their name, merge or amalgamate, it places no restrictions or qualifications upon a union's ability to federate or join international organizations subject of course to human rights legislation.

846. The preamble to the Code clearly states that "legislation supportive of free collective bargaining is an appropriate mechanism through which terms and conditions of employment may be established." As mentioned above, the Code requires trade unions to properly file their constitutional documents (including a provision stating that one of the purposes of the organization is to engage in collective bargaining). The Code requires that trade unions, in order to gain and maintain their bargaining rights, must be free of employer domination and control.

847. Subject to procedures outlined in the Code, most unionized employees have the right to strike. Firefighters and employees at facilities designated as "hospitals" on an approved hospitals list do not have the right to strike, but rather are subject to compulsory arbitration. Police officers and provincial government employees, and certain employees in public, post-secondary educational institutions (all covered under separate pieces of legislation), also do not have the right to strike. A rough estimate of the number of affected workers follows:

Provincial Civil Service	19,000
Advanced Education	17,000
Police	2,500
Firefighters	2,250
Health Care	42,000
Total:	82,750

848. During the reporting period, there were no substantive legislative changes, court decisions or changes in administrative policies and procedures that substantively affected the right to form and join trade unions.

Article 9: Right to Social Security

849. Alberta provides assistance to persons in need through programs administered by the Department of Alberta Human Resources and Employment (AHRE). These programs provide financial assistance as well as access to resources and services, including training programs to attain self-sufficiency.

Supports for Independence Program

850. The Supports for Independence Program (SFI) program ensures Albertans, who have no other resources, have access to essential goods and services (e.g. food, clothing, shelter, and medical benefits). The program principles are outlined in Canada's Third Report under this Covenant.

851. Information is freely available throughout Alberta (brochures, Internet, public inquiries) concerning the SFI program. There is no residency requirement for SFI: no one is categorically excluded from receiving last resort assistance. Persons in need apply in person at one of 50 district offices. In emergency or exceptional situations SFI workers may take an application in the applicant's home, hospital or shelter. SFI benefits are issued as expediently as possible. In emergency situations, benefits can be issued the same day as the application.

852. Agreements have been signed with six First Nations whereby a program similar to SFI is provided to off-reserve band members. Persons on-reserve are the responsibility of the federal government. Bands deliver a program similar to the provincial SFI program.

Eligibility

853. Applicants must demonstrate they have exhausted all alternative means of support, including other programs. SFI tops up other benefits such as Workers' Compensation, Employment Insurance, and Canada Pension Plan benefits if these are inadequate. SFI exempts receipt of many other sources of income (e.g. Alberta and federal energy tax credits/rebates, Goods and Services Tax rebate, Canada Child Tax Benefit), and rates are predicated on receipt of National Child Benefit supplements.

854. Some immigrant categories are not eligible for SFI, as they are the responsibility of federal government, or do not have the right to be in Canada. Immigrant children are assisted as long as one parent has status and meets SFI eligibility.

855. The upper age limit is usually 65, when clients then move to senior's benefits.

856. Persons receiving SFI benefits are expected to do everything they can to become independent again (through undertaking employment, training and job search). Alberta does not have "workfare" programs. In government funded work experience programs, clients are paid wages and a welfare supplement to earnings if necessary. They are free to choose their employment; however they cannot refuse or quit appropriate work without just cause. Clients can be exempt from work requirements because of pregnancy, need to care for children under six months of age, need to care for a disabled dependent, age, or temporary or long-term medical problems.

857. The program is asset tested. If applicant/family assets are in excess of allowed limits they would be ineligible for SFI. The program is also income and needs tested. SFI

compares an applicant's needs (as determined by the program's benefits rates) with family income (after applying eligible exemptions).

858. Benefits:

- Standard Allowance: Food, clothing, personal and household needs, transportation and telephone expenses.
- Shelter Allowance: Actual cost of shelter and utilities up to a maximum regulated amount.
- Supplementary Benefits: Additional needs listed in the regulation on a case-by-case basis (e.g. co-insurance allowance, handicap benefit, allowance for job search, special diets, additional shelter, extraordinary transportation, school expense allowance, childcare, emergency needs).
- Medical benefits: Prescription drugs, optical, dental, ambulance, health care premium, diabetic supplies and funeral expenses. Health benefits are extended for clients in the Assured Support category who leave SFI for work.

859. A need not covered above may be issued under Director approval on a case-by-case basis (emergency benefits).

860. A third of SFI clients are working. These also benefit from earnings exemptions — the portion of employment earnings that is not taken off dollar-for-dollar from SFI benefits.

Appeal

861. A client may appeal any decision made by the caseworker through:

- An administrative review by the supervisor, and/or
- A quasi-judicial hearing by the Citizens' Appeal Panel.

Decisions of the appeal panel are final and binding (unless nullified by court).

862. Selected benefits from other programs available to persons on SFI:

- GST Rebate (federal)
- Canada Child Tax Benefit (federal) — if the family has dependent children
- Alberta Family Employment Tax Credit — if the family has dependent children and employment income from the previous tax year
- Day care subsidy (provincial) — for employment and medical reasons — top-up costs over the subsidy, babysitting costs and after school costs are covered by SFI
- Energy rebates (provincial and federal)

863. Programs leading to independence:

- The Skills Development Program provides access to basic education, apprenticeship and short-term skills training.

- Employment and Training Initiatives provides services and programs to assist clients prepare for, obtain and maintain employment.
- Youth Connections helps youth connect with pathways to careers and combine work and learning.

Changes during the reporting period

864. During the reporting period, the following changes affected SFI clients:

- In July 1997, the Shelter Allowance increased between $3 and $11 per month to reflect increased utility costs
- In February 1999, the Shelter Allowance for families with children increased between $33 and $41.

Widows' Pension program

865. The Widows' Pension program provides financial, housing and health care benefits to eligible low-income widows and widowers aged 55 to 64 to assist these individuals with the loss of income caused by the death of their spouse.

Eligibility

866. This program is for low-income widows and widowers who are between 55 and 64, residents of Alberta, and who are legally entitled to be in Canada. The upper age limit is 65; clients then move to senior's benefits. A person is not eligible if he or she was divorced from their spouse at the time of the spouse's death, has remarried since the spouse's death, or is receiving benefits through the Assured Income for the Severely Handicapped (AISH) program. Individuals are required to re-apply each year to continue receiving benefits. A renewal form is sent each year to those who are receiving benefits.

867. Applications are available from Alberta Human Resources and Employment offices, Alberta Treasury Branches, local seniors' information centres, funeral homes, Indian Affairs band offices, and the Alberta Widows' Pension program office in Edmonton. Completed application forms along with all required documentation are forwarded to the Alberta Widows' Pension program for review. Individuals receive a letter explaining whether or not their applications have been approved. If approved, the letter states when the benefits start and the amount to be issued. If an application is not approved, the letter explains why.

Benefits

868. The program provides up to $818 per month, exemption from Alberta Health Care premiums, and medical care benefits similar to those provided to persons over the age of 65. The program also provides an annual shelter allowance for private rental accommodation, mobile homes, or homeowners. Benefits provided through the Widows' Pension program may be reduced based on other income that a person may receive.

869. Individuals have the right to appeal, to a citizen's appeal panel, decisions regarding Widows' Pension benefits.

Assured Income for the Severely Handicapped

870. Assured Income for the Severely Handicapped (AISH) is a safety net program to ensure that a disabled person's income does not fall below a guaranteed minimum level. It is one of the most generous programs in Canada for the disabled. The program is putting more effort into linking willing clients with available training and employment opportunities, to ensure that the disabled have an opportunity to contribute to the Alberta work force to the level of their ability.

Eligibility

871. Adults not eligible for Old Age Security (i.e. usually under age 65) who have a permanent disability that severely limits their ability to earn a living, and who have few resources, would qualify for the AISH program. The disability must be permanent (physical or mental condition for which there is no remedial therapy which would substantially change the condition). All treatment, rehabilitation, education or training must be explored.

872. The AISH program is asset and income tested. Clients must hold $100,000 or less in assets (excluding their home, car and other specific items). Assets such as bank accounts, term deposits, RRSPs, Canada Savings Bonds, or Guaranteed Investment Certificates are counted. Clients must seek all other benefits for which they qualify (like Canada Pension Plan disability benefits). Income is classed as totally exempt, partially exempt, or not exempt.

873. There are two sub-programs, AISH and "modified AISH" which provides benefits for people living in specific hospitals, nursing homes or other facilities.

874. People apply at one of many field offices of Alberta Human Resources and Employment (AHRE) located across the province; in Edmonton and Calgary there are specialized offices dealing with AISH. Applicants need to prove their identity and fill out forms about their conditions, disability, income and assets. Their doctor needs to fill out a medical report; sometimes specialist reports are needed. Other information may be needed to determine if the applicant can work or train to become self-supporting. An AISH worker reviews the application and verifies the income information. An AISH Administrator in each of the AHRE's six regions makes the eligibility decision, and calls on various medical and rehabilitation specialists for advice if needed.

875. Aboriginal persons living on reserve are eligible for AISH; Alberta Human Resources and Employment staff makes the eligibility decision. In some cases, bands deliver the benefit once eligibility has been determined.

876. The full application process may take up to three or four months. There is a citizens' appeal process.

877. Special efforts are made to accommodate the situation of mentally ill persons who comprise a third of the caseload. Their benefits can be kept going for short periods while in mental hospital, forensic unit, etc. so they can maintain accommodations. Rapid reinstatement provisions are particularly relevant for persons with episodic mental illness.

878. Once approved for benefits, clients must complete an annual reporting form, providing information on their income, assets, and important changes in their medical condition. Clients leave the program when they no longer meet its criteria; e.g. they turn 65 or have sufficient income from other sources such as spouse's employment or Canada Pension Plan disability benefit.

Benefits

879. AISH is a flat-rate monthly financial benefit. AISH also issues a monthly "medical services card" which entitles the AISH client and his/her immediate family to health benefits: essential diabetic supplies, optical benefits, dental coverage, ambulance and coverage for prescription drugs (with $5 co-payment maximum for adult prescriptions).

880. Alberta Health Care Premiums and Alberta Aids to Daily Living co-payments are waived for AISH clients.

881. The AISH benefit rate is $850 per month, plus $5 co-payment for adult prescriptions. This benefit rate is reduced by non-exempt income. "Modified AISH" recipients who are living in nursing homes and similar facilities receive the per diem fee to cover room and board costs as prescribed by Alberta Health (about $900 per month) plus $175 per month for incidentals.

882. Where the AISH flat rate is insufficient because the recipient has dependents, clients who meet the SFI income and assets tests may transfer to SFI, and receive SFI benefits plus $175 per month as a handicapped benefit.

883. AISH provides an incentive (through an earnings exemption) to persons who are capable of some level of employment. For single AISH clients the first $200 per month of partially exempt income does not affect the AISH benefit. The AISH benefit is reduced by 75 percent of the remainder of the partially exempt income. This means that a single person can earn up to $1,332 per month (net) and still be eligible for $1 in AISH and the full health benefits (on average worth $200 per month). For persons with spouses (including common-law) or persons with dependent children, the first $775 per month of partially exempt family income does not affect the AISH benefit. The AISH benefit is reduced by 75 percent of the remainder of the partially exempt income. This means that income of the adults in a family can be up to $1,907 per month (net), the disabled person can still receive $1 in AISH, and the family receives the full health benefits. The earnings of children in AISH families are 100 percent exempt.

884. Clients whose monthly earnings exceed a certain level do not receive the financial benefit, however medical benefits may continue indefinitely if earned income is low. Clients who leave the program for work may be reinstated without the full application process for up to two years after they leave the program.

Changes made in October 1999

885. The AISH program was reviewed in 1999 to ensure that it was consistent with the principles of *In Unison,* a federal/provincial/territorial report to improve circumstances for persons with disabilities in Canada. After two rounds of public consultations in 1999, the following changes were made:

- Asset testing was introduced for both applicants and recipients ($100,000 asset limit);
- Rapid reinstatement provisions encourage recipients to attempt employment;
- Extended medical benefits were implemented to help former AISH recipients bridge successfully to the work force;
- Benefits were increased from $818 to $850 per month;
- Income exemptions for singles were increased;
- Focus on abilities rather than disabilities;
- The Personal Needs Supplement for AISH clients increased by $58 per adult per month.

Skills Development Program

886. The Skills Development Program (SDP) provides benefits to financially disadvantaged Albertans to enable them to access the level of training and education needed to achieve independence through sustainable employment. More information on the Skills Development Program was provided in Canada's Third Report under this Covenant.

887. The Grants, Donations and Loans Regulation under the *Government Organization Act* was amended in 1998 to:

- Include integrated training in the range of learning opportunities funded under the SDP;
- Provide access to grant funding for short-term skill training (to accommodate circumstances where it may be unrealistic to expect a client to repay a loan considering the earning prospects for some types of training).

Alberta Child Health Benefit

888. The Alberta Child Health Benefit (ACHB) was implemented in 1998. This innovative program provides free extended health coverage for children under 18 years of age in low-income families who live in Alberta. There is no cost to enroll. Benefits include medical, dental, optical, prescription drugs, ambulance services and diabetic supplies. The program pays 100 percent of the cost of covered services and products.

889. The purpose of this program is to ensure that all children in Alberta have access to quality health care services. This is especially important for low income working families. Previously, compared to families on welfare, low-income working families were at a disadvantage because they were not eligible for health care benefits available to the children of social assistance recipients. Losing health care benefits for their children was often a barrier/worry to families in moving from welfare to working.

890. Families qualify for the ACHB based on the number of children in the family, and the family's net income from the previous year.

# of children	Previous year's net income
1	$21,214
2	$23,214
3	$25,214
4	$27,214
More than 4	Add $2,000 for each additional child

891. In 1999, approximately 55,000 Alberta children were enrolled in the program.

Family Maintenance program

892. The Family Maintenance program helps single parents and parents of blended families receive financial support from the other parent of their children. It is a mandatory service for all single parents or parents of a blended family who are receiving Supports for Independence (SFI) or Assured Income for the Severely Handicapped (AISH) benefits. The Family Maintenance Program also provides some limited services to any Albertan who is a single parent or parent of a blended family who requests assistance to receive child support.

SFI or AISH applicants

893. When a single parent, or parent of a blended family, applies for SFI or AISH, a referral is made to a Family Maintenance worker. The worker gathers information from the applicant, and respondent, if possible. If necessary, the worker assists with establishing paternity, and in locating the other parent. The worker then attempts to obtain an agreement with the other parent to provide child support, or assists with the process to obtain a court order. Agreements and applications for orders are prepared in accordance with the Federal Child Support Guidelines. Workers can also assist with the registration of the agreement or order with the Maintenance Enforcement Program, Ministry of Justice, which enforces and collects payments that have been filed with the court.

Other applicants

894. If paternity is not in question, the other parent's location is known, and the other parent is willing to negotiate an agreement, a Family Maintenance worker can assist in obtaining

an agreement. In some court jurisdictions, the worker may also help the person prepare for the court process.

Alberta's programs for seniors (persons over age 65)

895. During the reporting period, Alberta Community Development delivered: Alberta Seniors Benefit and Alberta Special Needs Assistance for Seniors Program

896. Alberta Health and Wellness delivered: Alberta Health Care Insurance Plan, Alberta Blue Cross for Seniors, Alberta Blue Cross Palliative Care Program, Extended Health Benefits, Alberta Aids to Daily Living.

Alberta Seniors Benefit

897. The Alberta Seniors Benefit (ASB) program is designed to assist lower income seniors and provides a cash benefit to supplement the federal Old Age Security (OAS) pension and guaranteed income supplement. Health care premium exemptions are also calculated for eligible seniors. To be eligible for ASB, the applicant must be 65 years or older, must have an income within the program thresholds, must be a permanent resident of Alberta and must be a Canadian citizen or admitted to Canada for permanent residence. The level of benefits is determined by four factors: income, marital status, type of residence, and eligibility for the federal Old Age Security (OAS) pension.

898. In 1999, the income thresholds for health care premium exemption were:

- Full exemption for single seniors if total income is $0 to $22,950, for couples $0 to $27,210
- Partial exemption for single seniors if total income is $22,951 to $25,670, couples $36,901 to $42,340.

899. In 1999, to receive a cash benefit, the total income must be $18,060 or less for single seniors and $27,160 or less for couples. These total income figures are guidelines only and are applicable to seniors whose income includes full OAS and for senior couples where both members are over 65 years of age.

900. As of January 1999, the maximum benefits were:

- Renter: single senior — $2,350; senior couple —$3,500
- Homeowner: single senior — $1,800; senior couple — $3,500
- Mobile homeowner (on rented land): single senior — $2,150; senior couple — $3,300

901. As of January 1999, the maximum benefits for clients, both single seniors and senior couples, not eligible for OAS but who reside in one of the above accommodations were $1,2000 for renters, $650 for homeowners, and $1,000 for mobile homeowners on rented land.

902. The maximum benefits for provincially subsidized renters and all other residence categories were $1,370 for single seniors and $2,740 for senior couples.

903. The Alberta Seniors Benefit program was initiated in 1994, and consolidated three previously existing programs: the Renters Assistance, Property Tax Reduction, and Alberta Assured Income Program. By bringing these programs under one heading and combined with the health care premium subsidy, needs of low income seniors are more efficiently addressed.

904. In 1999, 181,184 seniors received benefits. Sixty-one percent of Alberta's seniors were eligible for and receiving some benefit from ASB. Of these, 43 percent were receiving a monthly cash benefit and a full health insurance subsidy, and 18 percent were receiving a full or partial health insurance subsidy but no cash benefit.

Special Needs Assistance for Seniors Program

905. The Special Needs Assistance for Seniors Program, implemented in 1995, is an income-based program that provides a lump sum cash payment to help lower-income seniors who are having financial difficulties. The program is a source of funding of last resort to protect seniors who cannot make ends meet and have no other resources to draw on. Eligibility criteria are: age 65 or older, an Alberta resident, eligible to receive benefits from the Alberta Seniors Benefit Program, receiving federal Old Age Security pension, and ability to show that he or she is unable to meet basic needs, including food, shelter, transportation, medical supplies, dental and optical needs, and personal hygiene supplies with the income they have. The maximum grant available is $5,000 per benefit year and the smallest benefit is $200. The applicant's income and allowable expenses determine the amount actually received.

906. In 1999, 4,055 seniors received benefits under the program.

907. Both ASB and Special Needs Assistance for Seniors Program are financed by the provincial government of Alberta from general revenue.

908. The Special Needs Assistance for Seniors Program is the only one of its kind in Canada.

909. With respect to health and health services in Alberta, medically required physician, hospital and dental surgical services are provided in accordance with the *Canada Health Act* and its five principles: public administration, comprehensiveness, universality, portability, and accessibility.

910. Alberta also funds and provides a range of health services beyond the requirements of the *Canada Health Act*. These services are provided on terms and conditions established by the province and include services such as nursing home/long-term care facilities, mental health, psychiatric hospitals, community rehabilitation services, public health, health promotion, physiotherapy, chiropractic, podiatry, student health initiatives, and the Blue Cross Program, including seniors' drug benefits, etc.

911. These services are publicly funded and publicly administered by health authorities established under provincial legislation, or as part of the Alberta Health Care Insurance Plan administered directly by Alberta Health and Wellness. In 1997-1998, Alberta spent in excess of $4.2 billion on the provision of these services.

912. Health services to injured workers are outside the scope of the publicly funded and administered health system. They are governed by the *Worker's Compensation Act* and provided through the Alberta Worker's Compensation Board.

913. Medically necessary physician and dental surgical services must be provided and funded through the Alberta Health Care Insurance Plan. Private or third party insurers are permitted, if they choose, to provide coverage of physician and dental services not insured under the Alberta Health Care Insurance Plan. Similarly, they may provide coverage for hospital services that are not considered insured under the Hospitalization Benefits Regulation. Private and third party insurers, either on a risk basis or as part of employer paid benefits, may provide supplemental health coverage, i.e., services that are not part of the coverage provided through the publicly funded system (e.g. massage therapy or physiotherapy/chiropractic coverage over and above what is publicly funded).

Article 10: Protection of the Family, Mother and Child

Establishment of the new Ministry

914. In May 1999, the new Ministry of Children's Services, the first of it's kind in Canada, was established to promote the development of strong children, families and communities. The Ministry mission statement is "Working together to enhance the ability of families and communities to develop nurturing and safe environments for children, youth and individuals."

Establishment of and transfer of responsibility to the Child and Family Services Authorities

915. In 1994, public consultations were held to determine how best to deliver child and family services. As a result, in 1998, 18 Child and Family Services Authorities were established throughout Alberta to deliver community-based child and family services that were tailored to the needs of each community. These authorities have assumed responsibility for managing services and resources for children and families with the involvement of communities. One of the authorities was established to address the needs of children and families on the eight Métis Settlements. The business plans of the authorities are within the overall direction and initiatives of the Children's Services Ministry.

Protection Against Family Violence Act

916. The Alberta *Protection Against Family Violence Act* was proclaimed in force on June 1, 1999. This legislation provides an enforcement mechanism for early intervention in

family violence. The Act allows a police officer to obtain an Emergency Protection Order giving the victim exclusive occupation of the family residence, at the scene of a family violence incident, on a 24-hour basis, via telephone request to a Justice of the Peace.

Youth Secretariat

917. In June 1999, the Premier of Alberta established the Youth Secretariat. The mandate of the Youth Secretariat is to identify issues and possible strategies to address issues facing youth at risk in Alberta. The Youth Secretariat has established a Youth Advisory Panel, comprised of 13 youth from around the province and from a variety of backgrounds. This panel, a first of its kind in the provincial government, provides feedback on and participates in the development of recommendations to improve services for youth.

Protection of Children Involved in Prostitution Act

918. In June 1996, the Government of Alberta established the Task Force on Children Involved in Prostitution to address the issue of sexual exploitation of children in Alberta. The Task Force included representatives from the public, schools, police, community agencies, Justice, and the former department of Alberta Family and Social Services. Developing legislation to protect children involved in prostitution was one of the Task Force's recommendations and led to the introduction of the *Protection of Children Involved in Prostitution (PChIP) Act*, which was proclaimed in force on February 1, 1999. The PChIP Act recognizes that children involved in prostitution are victims of sexual abuse and need protection. The Act provides the legislative authority to protect children who are being sexually exploited and supports the provision of services to help children end their involvement in prostitution. The Government of Alberta committed $5.2 million to this project for the first three years of the program. An evaluation of the implementation of the legislation and resulting programs will be undertaken.

Task force on children at risk

919. In August 1999, the Premier of Alberta established the task force on children at risk. The role of the task force was to look at issues facing children at risk including, but not limited to, those at risk of developing violent behaviour.

Alberta Partnership on Fetal Alcohol Syndrome

920. In 1998, the Alberta Partnership on Fetal Alcohol Syndrome (FAS) was established as directed by the Minister of the former department of Alberta Family and Social Services. The Partnership is a coalition of multi-disciplinary representatives from government (both provincial and federal) and the community whose mandate is to develop, promote and coordinate a comprehensive, culturally sensitive, provincial plan for the prevention, intervention, care, support and development of individuals with FAS (which includes the full spectrum of impacts resulting from prenatal exposure to alcohol — that is, fetal alcohol syndrome, fetal alcohol effects, alcohol related birth defects/injuries, etc.).

921. The two goals of the Partnership are the prevention of FAS and the enhancement of community capacity for the care and support of those already affected. These goals are achieved through strategies and activities in the areas of training and education; prevention and public awareness; community capacity; care and support; research and evaluation.

Employment standards

922. The *Employment Standards Code* provides that pregnant employees are entitled to 18 weeks of maternity leave beginning within the 12 weeks prior to the expected date of birth and at least six weeks after the birth. Income replacement during this period is provided through the federal Employment Insurance program. During the review period no changes were made to these provisions.

923. The *Employment Standards Regulation* (a regulation under the *Employment Standards Code*) provides that adolescents (children aged 12, 13 and 14) are permitted to work only in restricted circumstances and, in most situations, only with permission of the Director. In all cases they are prohibited from working in situations that are, or have potential to be, injurious to the life, health, education or welfare of the adolescent. Employment is limited to two hours on a school day and eight hours on any other day.

924. Young persons (those 15, 16 and 17 years of age) are restricted in the work that they are permitted to do after 9:00 p.m. For permitted work between midnight and 6:00 a.m., they are required to have parental consent and be in the continuous presence of at least one individual 18 years of age or older. During the reporting period no changes were made to these provisions.

Other support programs for children and families

925. The Government of Alberta recognizes that families are the foundation of our lives and the cornerstone of society. Strengthening and supporting families is essential to the well-being of Alberta. Many of its programs, policies and laws play an important part in the lives of individual citizens and families. Alberta Human Resources and Employment (AHRE) is actively involved in strengthening and supporting families, mothers and children.

Child In Need program

926. Child In Need (CIN) benefits are intended to provide financial assistance for a child whose parents are unable or unwilling to properly care for their child.

927. When a child is living with a caregiver, because his/her parents are unable or unwilling to provide proper care, the CIN program provides financial benefits to the caregiver for the support of the child. Shelter benefits are issued when the caregiver is not a relative of the child. Medical benefits are provided to the child, and supplemental benefits (e.g.

childcare expenses) may be provided on a case-by-case basis. Caregivers/guardians are expected to access all resources available to assist in the support of the child.

928. In calculating need under the CIN program, only the income and assets of the child are taken into consideration. To qualify for this benefit, the guardian must provide documentation that verifies the parents' consent to the child residing with the guardian. If there are any child protection concerns, then Child Welfare may be involved to make a recommendation as to the suitability of the child's living situation.

929. A school age CIN is expected to be in full time attendance in school. If a 16 or 17 year old is not in school, then they would be expected to access youth services/programs to assist them in training and/or to secure employment.

Parental Provisions under Supports for Independence (SFI)

930. Special Diets: A special diet benefit is available to pregnant women to ensure that they can adequately meet their nutritional needs. A special allowance may be issued for an infant requiring formula or special diets which are more expensive than the SFI food rates, on the recommendation of a healthcare professional.

931. Natal Benefit: A natal benefit is available ($350 for the first child and $125 for each subsequent child) to cover the cost of the infant's clothing, crib, infant car seat, etc.

932. Maternal Care: SFI policy recognizes the importance of maternal care of infants. Mothers are not expected to work or participate in training until their youngest child is six months of age. The best way for a single mother to more adequately meet her children's needs is through work. Therefore services, programs and supports are available to single mothers as well as to all SFI clients, to facilitate their transition to independence.

933. Childcare: An allowance may be issued to a parent to cover the cost of babysitting or childcare expenses so that the parent can participate in job search, employment, training or employment preparation programs. Childcare costs may also be covered if, in the opinion of a medical professional, the physical or mental health of the parent makes childcare necessary.

934. Parents are encouraged to utilize the services of licensed subsidized daycare centres and family day homes, as the care provided is regulated and monitored to ensure the safety, health and development of the children are protected. However, parents are not forced to jeopardize their work to minimize SFI childcare costs. Even if the cost of childcare and the earnings exemption makes going to work more expensive for the SFI program than the parent staying at home, childcare costs are provided as the goal is for client independence.

Article 11: Right to an Adequate Standard of Living

935. The Government of Alberta, through Alberta Human Resources and Employment (AHRE) and other Departments, seeks to ensure that all citizens of Alberta have access to an adequate standard of living. Ideally, the means to acquire an adequate standard of living is through employment. For those who are not able to work or who have insufficient employment income, the Supports for Independence, Widows' Pension, Assured Income for the Severely Handicapped and the National Child Benefit are programs available to assist people to meet their basic needs. These programs have been outlined in earlier sections of the report.

Poverty measurement

936. Alberta is committed to reducing poverty and its effects. The goal is to help people move toward training and independence through skills development and training programs.

937. Alberta's programs also help working families get a step up financially through daycare subsidies, health coverage and the Alberta Family Employment Tax Credit.

938. Canada does not have a common definition of poverty, although most reports use Statistics Canada's Low-Income-Cut-Off (LICO). Alberta has collaborated with the federal government and other provinces/territories to develop an additional measurement of poverty, the Market Basket Measure (MBM).

939. The MBM has been included in the Alberta Government's business plan *Measuring Up* as an indicator for the following two Alberta government business goals:

- Goal 2: *Our Children will be cared for, safe, successful at learning and healthy.* For this goal, one of the indicators is the "Percentage of Children Living above the MBM low income threshold."
- Goal 5: *Albertans unable to provide for their basic needs will receive help.* The measure for this goal is "People living above the market basket measure low income threshold."

940. Although the MBM is considered as an alternative to LICO, for policy purposes Alberta considers the MBM to be superior because: it can better target and monitor low income levels and poverty; it is easy to understand; and, it is sensitive to regional variations in the cost of living. When actual data from the MBM are available, Alberta plans to use it to evaluate the province's progress in achieving Goals 2 and 5 which target issues related to low income.

Seniors' standard of living

941. One measure of standard of living is income. A recent publication by Statistics Canada (*Income in Canada, 1998*) provides extensive information on income in Canada,

including data broken down by province. The following information is drawn from this publication.

Average after-tax income — elderly families

942. In Alberta from 1989 to 1998, the average after-tax incomes of elderly families declined by about $3,000, and the decline in their incomes has been steady since 1993. During the same period, the incomes of non-elderly families increased.

943. In relation to other provinces, Alberta's elderly families placed seventh ($32,561) in terms of average after-tax income for 1998.

Average after-tax income — unattached seniors

944. Since 1989, the average after-tax incomes of Alberta's unattached seniors have undergone a series of increases and decreases, but have increased overall. Unattached male seniors' average income reached a high of $30,293 in 1998. Unattached female seniors' average income has declined slightly since 1996, but overall (from 1989 to 1998), it has increased by about $2,500. The 1998 average after-tax income for unattached males was slightly higher than the Canadian average. The comparable figure for unattached females was slightly lower.

Low income

945. Low income provides a better indication than average income of whether certain groups within a society have problems maintaining a certain standard of living. Statistics Canada measures low income by using the Low Income Cut-Off measure using after-tax income.

946. In Alberta, the prevalence of low-income among elderly families and unattached elderly males remained at a negligible level from 1989 to 1998, and has been lower than the rate among elderly Canadian families.

947. In Alberta, the prevalence of low-income among elderly unattached males has declined from 31.4 percent in 1989 to 13.7 percent in 1998. By contrast, the prevalence of low-income among non-elderly unattached females has increased from 33.3 percent in 1989 to 40.7 percent in 1998.

Right to adequate food

948. All regional health authorities employ community nutritionists who develop and implement community nutrition programs. Initiatives are targeted to the entire population and include: prenatal nutrition, breastfeeding, infant and child nutrition programs; support for the nutrition component of the health curriculum in schools and comprehensive school health initiatives; support for community kitchens, food banks and

child feeding programs; workplace nutrition programs and seniors nutrition programs. Programs may very between regions based on local needs and priorities.

949. Nutritionally vulnerable groups include Aboriginal people, low income persons, recent immigrants, socially isolated individuals and persons with multiple health problems.

Elderly people

950. It is known that isolated cases of malnutrition among elderly individuals do occur; however, such cases are usually a result of self-neglect by persons suffering from dementia or mental illness, or the result of neglect by a caregiver, frequently a family member. This cannot be said to be a systemic problem and it is unlikely such cases are a result of poverty. Federal and provincial income and social security programs for seniors in Alberta are considered to provide sufficient funds for seniors to meet nutritional needs, and many community agencies exist to help low-income and marginalised seniors further maintain a basic standard of living.

951. Alberta has a well-developed system of community outreach agencies. One of the functions of such agencies is to identify seniors who may have unmet medical, economic, social or nutritional needs, such as isolated seniors with dementia, and ensure their referral to provincially funded health and wellness services, such as home care, hospital care, or long term care, and to other community or institutional services.

Right to housing

Housing situation in Alberta

952. Alberta's strong economy has caused significant in-migration throughout the 1990s. This influx has put a strain on housing availability, causing low vacancy rates and rental increases in many areas of the province. In some communities, rental vacancy rates have fallen below 1 percent, causing rental rates to increase significantly.

953. Market rents are below economic rent levels and fewer new rental units are being built because private sector developers and builders can realize a better and more immediate return on investment in the construction of houses and condominiums for ownership. Since 1992, the stock of rental housing in Alberta's high-growth areas has decreased by 7.6 percent, or 11,855 units largely due to condominium conversions.

954. In addition to rent increases, the cost of housing has also risen throughout the 1990s. Between 1995 and 1999 alone, the average price for residential housing in Alberta increased by $30,728 or 21 percent. In Calgary, a city that has seen tremendous growth throughout the decade, new housing have risen by $49,500 or 36 percent between 1988 and 1998. Resale house prices have increased by $57,500 or 58 percent over this same period. For households, this means that for a new home to be affordable, an annual income of $59,000 is required. For a resale home, an annual household income of $50,800 is required.

Groups who are vulnerable to housing and disadvantaged with regard social housing

955. Although no reliable estimates are available on the number of homeless people in Alberta, groups within some municipalities have conducted surveys to estimate homelessness in their communities. In cities where homelessness is considered an issue, strategies are underway between the government and communities to deal with the problem.

Housing adequacy

956. In terms of adequate housing (not in need of major repairs), the average shelter cost to gross income ratio (STIR) among Alberta renters of housing that did not meet standards of adequacy was 22 percent in 1996. For homeowners, this ratio was 16 percent (1996 Census Data).

Housing suitability

957. The average STIR among renters of units that did not meet suitability standards (number of bedrooms for family size) was 23 percent. For homeowners, this figure was 17 percent (1996 Census Data).

Housing affordability

958. The average STIR among renters of units below affordability standards (shelter costs are less than 30 percent of before-tax household income) was 48 percent. For homeowners this ratio was 53 percent (1996 Census Data).

959. The Shelter Cost to Income Ratio of renters of housing below multiple standards (a combination of adequacy, suitability and affordability) was 57 percent, and 52 percent for homeowners (1996 Census Data).

Laws affecting the right to housing

960. The *Alberta Housing Act* clarifies the Alberta government's role as a facilitator of social housing. The Act enables the efficient provision of a basic level of housing accommodation for persons who, because of financial, social or other circumstances, require assistance to obtain or maintain housing accommodation. The Act outlines the rules by which community-based management bodies provide social housing.

961. The *Human Rights, Citizenship and Multiculturalism Act* protects human rights and promotes fairness and reduces discrimination so that all Albertans have the opportunity to participate fully in society, including the right to housing.

Measures taken to fulfil the right to Housing

962. In 1998, a Deputy Ministers Committee comprised of the Ministers of Community Development, Alberta Justice, Alberta Municipal Affairs, and Alberta Health and Wellness, was established as a working committee to develop a Provincial Housing Policy. In 1999-2000, guiding principles were developed and the strengths of the stakeholder ministries were identified. This groundwork formed the basis for future directions with the development of a suggested repositioning of responsibilities for the delivery and administration of housing programs and services to seniors, families and persons with special needs.

963. The Alberta provincial government subsidizes approximately 17,000 family and special purpose housing units, for a budgeted annual subsidy cost of $62 million.

964. The Rent Supplement Program provides a mechanism for generating affordable housing for those Albertans most in need. The program provides assistance to low-income families and special needs clients so they may obtain suitable rental accommodation in the private sector.

965. The Home Adaptation Program provides grants to homeowners and tenants who use a wheelchair or have a wheelchair user residing in their home or a person residing in their home with a severe mobility disability who will eventually require the use of a wheelchair.

966. The Supportive Housing program provides housing for Albertans who require support services to live independently in their community.

967. The Special Purpose Housing program provides mortgage subsidy financing to enable non-profit organizations to develop and manage emergency or transitional residential facilities providing care to people with physical, mental or behavioural conditions.

Homelessness

968. The thriving Alberta economy has resulted in lower rental vacancy rates, and created competition for subsidized housing units. Unlike in the past, where most of the homeless population were single persons with a mental health problem, criminal conviction or drug addiction problems, an increasing number of today's homeless are families with children, recent immigrants seeking employment in Alberta's growing economy and youth with problems at home.

969. Various forums and advocacy groups have raised the problem of increasing homelessness in the province — the Edmonton Task Force on Homelessness, the Calgary Task Force on the Homeless, the Children's Forum, the Task Force on Children at Risk, the Healthy Incomes Healthy Outcomes Symposium, an Alberta Urban Municipalities Association report, etc.

970. In Alberta, homelessness is considered to be an issue mainly in Calgary and Edmonton. Alberta Human Resources and Employment has regional offices in Calgary and Edmonton that work in partnership with the street-serving agencies, such as the Boyle McCauley Health Centre in Edmonton, in ensuring shelter, food and medical services are available to the homeless in some way. A Calgary initiative ensures that street persons have access to medical services. Food banks operate as a private charitable addition to other services. Local staff from other ministries also works in this holistic case management model and connect the services provided by them.

971. Recent surveys conducted by community-based organizations estimated the number of homeless in Calgary and Edmonton at about 1,000 (on the street or in shelters) in each city on any given night.

972. International and Intergovernmental Relations do not maintain a database regarding the state of housing occupied by Aboriginal people. Nor does the Alberta government have any housing programs that are specifically targeted to Aboriginal people. However, a large percentage of clients in rural housing programs are Aboriginal, as these programs are targeted to northern and remote communities. In the past, social housing in these areas was provided according to local needs. The Alberta government continues to try to meet the needs of lower income families in these communities.

Mental health

973. There is no accurate evidence in Alberta that shows that discharged psychiatric patients are ending up homeless. The deinstitutionalisation of individuals with mental illness occurred in Canada in the 1960s and early 1970s, which is not necessarily reflective of the age ranges of the current homeless population.

974. There has been a shift in the delivery of mental services from large psychiatric hospitals towards treatment in the community. This reflects both advancements in mental health care knowledge and treatment regimes as well as recognition of the human rights of individuals to live and work as much as possible in their own communities.

975. The Alberta Mental Health Board is a provincial health authority with responsibility for assessing, monitoring and promoting the mental health of Albertans. The responsibility for mental health service is shared among the Board, regional health authorities, physicians, other mental health service providers as well as consumer mental health services. In Alberta, funding for community mental health services has increased by 142 percent over the past seven years while funding for facility-based services has increased by 14 percent.

976. The Alberta Mental Health Board is working with other provincial departments, service delivery agencies, and community-based organizations to enhance supports to enable the homeless with mental illness to lead a more normal life in their community. The provision of needed mental health supports is a vital component of the provincial homelessness strategy.

977. Individuals with severe and persistent mental illness may be eligible for various housing options offered by the Alberta Mental Health Board and regional health authorities. Individuals are responsible for the cost of room and board but may qualify for income support such as the Assured Income for the Severely Handicapped.

978. An important part of discharge planning from psychiatric facilities is ensuring transition into the community. This may include referrals to community mental health services, personal physicians, vocational or employment options and housing.

Health services

979. Particular health problems of the homeless may include mental health conditions, specifically depression and anxiety disorders, physical health problems related to alcohol or substance abuse, especially intravenous drug use, lack of safe sex practices, inadequate diet, and physical injury. Data on the incidence of tuberculosis in the homeless population within Alberta is unavailable at this time.

980. Barriers to receiving medical care among the homeless include: refusal to access care; lack of knowledge of where to go for medical and support services; lack of transportation; low health knowledge about key health risks such as hepatitis, safe use of needles for IV drug use, venereal diseases, substance abuse, smoking, and safe sex practices, and financial difficulties in accessing needed medications.

981. Within Alberta, there are a number of community-based health clinics, which provide health and medical services to homeless persons, as well as information about health risks.

Treaty Land Entitlement

982. Indian land claims principally involve the federal government, which has the primary responsibility under the Constitution. In some cases, however, claims also involve the province. Under the Natural Resources Transfer Agreement, the Province has an obligation to transfer back to the federal government unoccupied Crown lands to the extent necessary to allow the federal government to fulfill its treaty responsibilities.

983. Treaty Land Entitlement (TLE) settlements are important steps to establishing an economic base and the development of infrastructure to improve the standard of living for the First Nation population.

984. Alberta was involved in three TLEs during the reporting period for a total of approximately 71,000 acres of land and $12.5 million.

Article 12: Right to Physical and Mental Health

985. In a number of priority setting processes in Alberta prior to 1998, regional health authorities (RHA), communities, practices and professional associations indicated support for an enhancement of primary health care. With the creation of the federal Health Transition Fund, Alberta Health and Wellness was able to take advantage of the opportunity provided through federal funding support with RHAs and other stakeholders to advance primary health care, test innovations and share learning and best practices.

986. Twenty-seven widely diverse primary health care projects were funded under the Umbrella Alberta Primary Health Care Project, mostly involving regional health authorities. Projects began implementation in September 1998 and ended May 2000. A condition of funding was that an independent evaluation of each project be undertaken. A final evaluation report for the umbrella project will be submitted to the Federal Health Transition Fund by February 2001, which will create a provincial picture of how these projects have contributed to advancing primary health care.

987. The funded projects included the evaluation of some existing primary health care activities, models or approaches, the enhancement and evaluation of others and some new demonstration projects. Some of the key approaches included:

- System restructuring
- System utilization
- Multi-sectoral collaboration
- Injury and disease prevention, health promotion and wellness
- Community health centre models
- Building capacity for healthy communities
- Multi-disciplinary teams

988. Results will be shared across Canada and Alberta through a number of other dissemination activities/publications to inform the practice of primary health care by regional health authorities and others, and ultimately inform future development of policy.

989. As well, Alberta Health and Wellness and the Alberta Medical Association are jointly developing alternative delivery and payment models, which will make it easier for interested physicians to develop and implement their ideas. Six alternative payment plan pilot projects have been implemented, with a number of others under negotiation.

990. Within Alberta there is a greater investment of time to integrating the interests of environmental health into resource development issues. The Alberta Government is committed to cross-government integration through the Sustainable Development Coordinating Council. This is a Deputy Ministers' committee with membership from key government departments, including Economic Development, Environment, Resource Development, Agriculture, Food and Rural Development, International and Intergovernmental Affairs, Innovation and Science, Infrastructure, and Health and

Wellness. A major part of their mandate is in an area called Integrated Resource Management and Sustainable Development. The term "sustainable development" refers to a strategic approach to integrating economic, social and community interests in a way that meet the needs of the present without compromising the ability of future generations to meet their own needs.

991. Another area of interest related to environmental health is the Alberta Government's leadership role in climate change. Alberta is a resource rich province particularly in the areas of oil and gas, mining, forestry and agriculture, which attract attention due to the related greenhouse gas emission issues. Recognizing the need to address climate change, Alberta has taken a leadership role across Canada in reducing greenhouse gas emissions and has been recognized nationally for the progress that has been made within government sectors and among participating industries.

992. The Department of Health and Wellness provides funding to the Alberta Centre for Injury Control and Research (ACICR) that was formed in April 1998 in response to a need for a provincial, multi-sectoral, multi-disciplinary mechanism for linking, supporting and facilitating injury related activities and resources in Alberta. The Centre has a mandate to address the full continuum of injury control — prevention, emergency medical services, acute care, rehabilitation, and research. ACICR offers leadership and support for injury control initiatives in the areas of programming, research, surveillance and evaluation, information sharing and education.

993. The Department is working with key stakeholders to enhance both breast and cervical cancer screening in the province. It is anticipated that there will be provincially coordinated programs to address both these health issues in the year 2001.

994. To address HIV in the province, a number of initiatives are being implemented as part of the HIV in Alberta 1998/1999-2002 Alberta Health Strategy.

995. The emergence and reliance on new high cost drugs to treat HIV/AIDS and other illnesses will not erode universal access to health care in Alberta. Drugs for HIV/AIDS are provided through the regional health authorities in Edmonton and Calgary as part of the Province-Wide Services Program. HIV/AIDS drugs are available to all Albertans with assessed medical need, at no charge.

996. All provinces now have pharmacare plans in place. These differ from the medically necessary services that must be provided under the *Canada Health Act*. Although there are large differences in plan features among provinces, they all have some common elements, including coverage for vulnerable groups such as seniors and recipients of social assistance.

997. Initiatives in both the TB and STD areas are being implemented to ensure that pertinent and essential information is provided to persons working in these areas.

998. The Department funds the Alberta Tobacco Reduction Alliance to implement a collaborative tobacco reduction plan.

999. Within Alberta, an array of health programs and services are targeted to assist vulnerable groups, including the Extended Health Benefits Program for Seniors, the Premium Subsidy and Waiver Programs for lower-income Albertans, the Aids to Daily Living Program for persons with disabilities or chronic health conditions. Alberta Health and Wellness works with the federal government to fund and deliver the Child Health Benefit Plan and Community Action Programs for Children, the Teen Tobacco Reduction Project, the Canada Prenatal Nutrition Program, and the TB Management Program on Alberta First Nation Reserves. There is also an Aboriginal Health Strategy for Alberta Health and Wellness, which encourages partnerships among Aboriginal communities, and health providers to improve the cultural appropriateness of health services, increase access to health services by Aboriginal people and increase the number of Aboriginal people working throughout the health system.

1000. So far, over 40 partnership projects have been funded through the Alberta Aboriginal Health Strategy to improve the health status of Aboriginal Albertans. To improve the health, social, and economic status of the Aboriginal population, the Province is developing a government-wide initiative involving all provincial departments/agencies. Each department will develop strategic initiatives, with measurable results, to meet the needs of Aboriginal communities through collaborative and cooperative partnerships.

1001. Alberta is a food-producing province and food safety is a major factor influencing trade and consumer confidence. For this reason the Alberta government supports the integration and harmonization of food safety related regulations and codes that are being developed in a number of food commodity areas such as meat, milk and retail environments. The work of food safety is complemented by Alberta's role in communicable disease surveillance and case contact investigation and information systems that are being developed to track cases, as well as, rates of immunization.

1002. In 1994, the Direct Observed Therapy program was made mandatory for all active pulmonary tuberculosis cases in Alberta.

1003. On March 2, 1995, a public health bulletin was issued announcing the introduction of a universal Hepatitis B vaccine program for students in Grade 5 during the 1995-1996 school term and extending to future cohorts of grade 5 children. This program was in addition to current programming focussing on high-risk groups.

1004. July 5, 1996, a bulletin was issued announcing a second dose catch-up measles vaccine program for Alberta Preschoolers.

1005. In November 1997, an educational and advisory campaign targeted at health professionals and the public was launched. The goal of the program was to increase awareness related to hepatitis C virus infection (HCV).

1006. In March 1997, a mass immunization campaign focussing on the provision of the second dose measles vaccine to all Albertans aged 6-16 was instituted. This program helped ensure that the population aged 1-24 received at least two doses of the measles containing vaccine, which is generally believed to be essential in eliminating the disease.

1007. On July 2, 1997, the acellular pertussis vaccine for routine infant immunization was introduced in Alberta. This vaccine is more effective than the previous pertussis vaccine, has fewer adverse events and supports Alberta's goal to reduce the incidence of pertussis disease.

1008. From 1997 to 1998, Alberta Health and Wellness provided dedicated funding for: HIV clinics in Edmonton and Calgary; specific antiretroviral therapies through the extraordinary drug cost program; and two provincial laboratories for testing and screening.

1009. In September 1998, the Enhanced Pneumococcal Vaccine Program was introduced. This program extends the eligibility for the vaccine to those 65 years and older in addition to those in long-term care facilities and those with high risk medical conditions.

1010. On September 1, 1998, based on a recommendation of stakeholders coordinated by the Alberta Medical Association, routine HIV screening for pregnant women was instituted. The screening is done unless the woman declines testing.

1011. In September 1999, a media campaign targeting specific rural and northern communities with low immunization rates was implemented. The goal of the campaign was to promote routine childhood immunization within those populations.

1012. On September 29, 1999, a public health bulletin announced a three-year program to provide hepatitis B vaccination to grade 12 students throughout Alberta.

1013. In September 1999, a study of tuberculosis in the foreign-born was initiated. This study is a review and analysis of immigration to Alberta and its impact on the rates of TB in the province. The second phase of the project will identify strategies to control the rates of TB in new Canadians.

1014. In 1999, Alberta Health and Wellness facilitated the provincial roll-out of a radio campaign focussing on HIV prevention in adolescent youth.

1015. Alberta Health and Wellness also worked collaboratively with Alberta Justice in 1999 on prevention programming, including harm reduction and the provision of print materials that are specific to offenders, ex-offenders and specific populations (Aboriginal people).

1016. That same year, Alberta Health and Wellness provided current and relevant information related to Non Prescription Needle Use to aid in programming, service delivery and best practices.

1017. In 1998-1999, Alberta Health and Wellness supported community response to HIV through the HIV Community Organization Grants ($1.295 million). Initiatives receiving this funding provide expert advice, provincial programming, leadership, and education of health and social service professionals and the public.

1018. The principle laws in Alberta that promote and safeguard the right of everyone to enjoy the highest attainable standard of physical and mental health are:

- *Alberta Health Care Insurance Act*
- *Health Insurance Premiums Act*
- *Hospitals Act*
- *Nursing Homes Act*
- *Regional Health Authorities Act*
- *Cancer Programs Act*
- *Mental Health Act*
- *Health Care Protection Act*
- *Public Health Act*
- *Health Information Act*
- *Personal Directives Act*

1019. This list includes statutes that go beyond the provision of insured services required by the *Canada Health Act*. This is because the public health system in Alberta goes beyond the minimums prescribed by the federal enactment.

1020. A document, *Health Needs Assessment: A Guide for Regional Health Authorities* has recently been developed and will be distributed to regional health authorities (RHAs) in the province in the near future. The guide is a tool to support RHAs in conducting health needs assessments that are a requirement under the *Regional Health Authorities Act*. Community participation in the process is referred to in the guide.

1021. The Department works with RHAs in identifying priorities for health education material and coordinates the development of key resources.

1022. RHAs work with a variety of community partners to provide a wide range of prevention and health promotion programs to meet the needs of the populations in their areas. Examples of programs include prenatal health, child health, heart health, cancer prevention, tobacco reduction, injury prevention, sexual health, and nutrition programs.

1023. The *Personal Directives Act* allows an individual to appoint an agent to make decisions on the individual's behalf regarding personal matters such as health care, place of residence and legal affairs, when the person is incapable of doing so. The legislation was proclaimed into force on December 1, 1997, and is administered by the Office of the Public Guardian.

Home care

1024. Publicly funded home care programs exist in every province and territory in Canada. Home care is not included under the *Canada Health Act* and consequently home care services are not insured in the same way as hospitals and physicians services. As the responsibility of providing services rests with the provinces and territories, home care policies, services and their delivery vary across the country.

1025. Home care programs in the Province of Alberta are legislated under the *Public Health Act,* Co-ordinated Home Care Program Regulation 239/85. Alberta's 17 Regional Health Authorities (RHAs) are responsible for determining and providing the specific types and level of service to meet the health needs of home care clients in their communities, acting in accordance with province-wide home care policy guidelines. The RHAs are mandated to provide community home care services based on assessed needs. Home care services include client assessment, case co-ordination, professional services, personal care and homemaking support services. RHAs develop service plans that address the priority needs of their residents, within available resources.

1026. There is no charge for professional home care services and personal care services. However, a fee of $5.00 per hour to a maximum of $300 per month, based on a sliding fee schedule for individual and family income, is usually charged for homemaking support services. Individuals who receive the Alberta Widows' Pension, the Guaranteed Income Supplement, Supports for Independence, or the Assured Income for the Severely Handicapped may be eligible for a fee exemption. These fees may be waived by the co-ordinated home care program if undue financial hardship is caused for the client.

1027. When home care clients have concerns related to their care needs assessment they have the right to appeal under Section 3.3 of the Coordinated Home Care Program Regulation. All decisions made by the Regional Health Authority's appeal Panel are final. There is no appeal mechanism at the provincial level regarding Home Care services.

1028. In recent years, RHAs have faced mounting pressure as a result of increased demand for home care services, generated by the earlier discharge of patients from acute care hospitals, and the increased number of seniors and persons with disabilities wanting to remain in their own homes as long as possible. The RHAs have addressed these pressures by establishing priorities for their services so that people who need services most receive the services that are required.

1029. Although funding has increased in Alberta, persons with disabilities consistently state that home care services are not fully meeting their needs. The provision of home care support continues to be a key concern of disability groups. The Alberta Disability Forum, comprised of over 25 provincial disability organizations, is currently developing a position paper and recommendations on home care in Alberta.

1030. The Minister of Health and Wellness initiated a long-term case review in November 1997 to assess continuing care services required by an aging population.

Special needs transportation

1031. Alberta, and in particular, its larger urban centres, remains committed to addressing the issue of special needs transportation. For example, Edmonton has committed to having an entire fleet of low floor buses by 2008. An Alberta Advisory Committee on Barrier-Free Transportation comprised of government and community stakeholders continues to meet on a quarterly basis to address special needs transportation issues and provide recommendations to government. Issues such as an effective and efficient DATS (Disabled Adults Transportation System) remain high on the priority list.

Eligibility rules for persons with disabilities/income support program

1032. The AISH (Assured Income for Severely Disabled) remains one of the most progressive disability related income support programs in Canada. Recent improvements to the program have allowed for rapid reinstatement of individuals if they have left the program for full time work and their disability recurs. Income support, however, continues to be a key concern of all disability groups. Additional information on the AISH can be found under Article 9 of the present report.

Programs for persons with mental illness

1033. The provision of adequate community based services for persons discharged from institutional settings remain a major concern for disability-related organizations, families and individuals. All major provincial community organizations and professional associations within the mental health arena have recently come together to form the Alberta Alliance on Mental Illness and Mental Health in an effort to develop a united front to effectively work for improvements in community based mental health care. The Premier's Council on the Status of Persons with Disabilities is involved with the Alliance.

Aboriginal issues

1034. Aboriginal communities continue to experience a high rate of disability relative to other Albertans. Disability services and supports must be culturally sensitive and developed in collaboration with Aboriginal leaders and communities.

Portability

1035. Portability continues to be a major issue for disability groups. Individuals and associations have indicated that they are frustrated by their inability to have supports and services "move" with them when they move their household within Alberta.

Multicultural issues

1036. The Health Innovation Fund has granted $1.3 million over three years to a group of community agencies and health providers to develop improved access and communications between multicultural communities and the mental health system.

Premier's Council on the Status of Persons with Disabilities

1037. In recent stakeholder consultations throughout the province, the disability community has identified the need for a coordinated disability policy framework — Alberta Disability Strategy — that will see the province examine every aspect of policy that impacts the estimated 425,000 people who have disabilities. The number one priority for the Premier's Council is the development and implementation of the strategy. Ways of measuring key areas will be developed with the disability community — for example, employment rates for people with disabilities. Actions to improve the situation will then be identified. Alberta will also develop ways of measuring progress resulting from these actions and build in accountability measures. The Associate Minister of Health and Wellness has endorsed the Alberta Disability Strategy.

1038. The Government of Alberta supports the vision of "healthy aging" as a priority goal for the province, and is following through on this commitment to provide more accessible and comprehensive long term care and home care services to Albertans who need them.

1039. In 1998, the *Protection for Persons in Care Act* became law in Alberta. This Act makes it mandatory to report the suspected abuse or neglect of any adult residing or receiving care in a government funded facility, including nursing homes, assisted living units, hospitals, group homes, and women's shelters. Reports of alleged abuse are fully investigated and recommendations made in relation to the allegations. Full orientation and training of staff in facilities covered by the Act has taken place, and a toll-free reporting line and central investigation unit is staffed and operated by Alberta Community Development.

1040. The *Protection for Persons in Care Act* covers adults living in government funded facilities, and its purpose is primarily to address alleged abuse by facility personnel. The *Protection against Family Violence Act* addresses alleged abuse of adults, including seniors, by family members. This Act (administered by the Office for Prevention of Family Violence, Department of Children's Services) gives police the power to intervene when a family member is threatened by violence in his or her home.

1041. Health care in Alberta is funded partly through general revenue and partly through health care premiums paid by Alberta citizens. Provincially funded health care coverage is universal and includes medically required services of physicians and osteopaths, some oral surgeries, some chiropractic and podiatric services, and limited coverage for eye exams.

1042. The current premium rates are $34 per month for a single person and $68 per month for a family of two or more people. Low-income seniors may be eligible for a premium subsidy through the Alberta Seniors Benefit Program if their income is below a certain threshold. In 1999, 43 percent of Alberta Seniors received a full health care premium subsidy, and 18 percent receive a partial subsidy.

1043. In addition, Alberta seniors who are receiving benefits from Alberta Seniors Benefit Program and who are unable to meet their needs for certain basic medical, dental or optical costs not covered by the provincial plan may be eligible for assistance from the Special Needs Assistance for Seniors Program.

1044. During the report period, Alberta also provided several special programs for seniors to help with medical costs that were not covered by the provincial plan. These were:

- Alberta Blue Cross Coverage for Seniors provided Alberta seniors, their spouses and dependents with premium-free supplemental health insurance coverage for health related services including benefits for prescription drugs, ground ambulance services, prosthetics (including mastectomy) orthotic appliances, home care, clinical psychology services.
- Alberta Blue Cross Palliative Care Drug Program provided premium-free coverage for needed medications for patients who have been diagnosed as being palliative and are treated at home.
- Extended Health Benefits Program helped seniors pay a portion of the cost for eyeglass and some dental services.
- Alberta Aids to Daily Living (universal coverage, not only seniors) assisted individuals who have a chronic disability or illness and those who are end stage palliative to receive authorized basic medical equipment and supplies for independent functioning in a home or home-like setting.

Measures to promote environmental and industrial hygiene

1045. The Premier of Alberta announced *Alberta's Commitment to Sustainable Resource and Environmental Management* in 1999. It confirms the government's strategy for delivering sustainable development through: a shared vision that sets expectations and goals for sustainable development, clear provincial direction to ensure a consistent approach across the Alberta Government, an effective decision making process that ensures decisions are fair, informed and made in a timely manner; and an up-to-date legislative and regulatory regime.

1046. The *Alberta Environmental Protection and Enhancement Act* provides an integrated approach to environmental protection. Alberta Environment sets standards and guidelines for air, land soil and water quality. Alberta has among the toughest environmental standards in North America.

1047. A 1999 comparison of ambient air quality requirements for major air pollutants (e.g. sulphur dioxide, hydrogen sulphide, nitrogen dioxide, carbon monoxide, ground level ozone and total suspended particles) showed Alberta's requirements are equivalent to or more stringent that those of other provinces and the United States.

1048. Alberta has a network of over 150 monitoring stations run by government, industry and multi-stakeholder groups. Alberta is working to expand the number of air monitoring stations operated under the provincial monitoring plan for ambient air quality. Since the Index of the Quality of the Air (IQUA) was introduced in Alberta in the 1980s, air quality at all Alberta Environment Department air monitoring stations has been rated as Good, the highest rating, from 90 to 100 percent of the time during any year.

1049. Alberta maintains high quality ambient and drinking water standards. The province has a comprehensive water quality program that includes development of source effluent standards, developing ambient water quality standards, environmental approvals, water quality monitoring and enforcement.

1050. The *Environmental Protection and Enhancement Act* governs water treatment and supply in Alberta. Alberta Environment regulates municipal water treatment and distribution facilities in Alberta. The federal government is responsible for water treatment on federal lands and Aboriginal reserves. Water from provincially regulated treatment facilities must meet Health Canada's stringent Guidelines for Canadian Drinking Water Quality.

1051. Alberta enacted a new *Water Act* in 1998. The Act changed the focus of water management from strict allocation of resources to conservation and management guided by the goal of sustainable development. The Act requires that a strategy for protecting the aquatic environment be developed for Alberta's rivers, streams, lakes, wetlands and groundwater. The Act also prohibits bulk exports of water and any new inter-basin transfers of water.

1052. The Alberta Special Places program was announced in 1995 to complete a network of parks and protected areas representing the province's six natural regions and 20 sub-regions. The program balances the preservation of Alberta's natural heritage with three other cornerstone goals: heritage appreciation, outdoor recreation, and tourism and economic development. Since the program began, nearly 1.3 million hectares of land have been added to the provincial protected areas network. To date, 76 new protected areas have been created and 13 existing sites expanded, bringing the total land base legislatively protected in Alberta to 11.5 percent.

Article 13: Right to Education

1053. Alberta is home to a wide variety of post-secondary institutions located throughout the province. In addition to Albertans studying in their home province, post-secondary opportunities for Albertans to study abroad and for foreign students to study in Alberta are also available and are examples of Alberta's International Education Strategy at work.

1054. Reflecting public input, the Government of Alberta considers that higher education costs should be shared by the taxpayer, parent, and student. Within this context, Alberta offers a wide range of student financial assistance programs to ensure that financial need in itself is not a barrier to post-secondary education.

1055. Canada's Third Report noted the passage in Alberta of the *School Amendment Act*, 1994. On March 31, 1998, the Alberta Court of Appeal upheld the constitutional validity of the legislation and the Supreme Court of Canada upheld this decision on October 6, 2000.

1056. The Alberta government supports a variety of initiatives designed to enhance Aboriginal community involvement in the development of culturally relevant education at primary, secondary and post-secondary levels. The province continues to examine its policies and programs to reduce the barriers to effective Aboriginal education programs.

1057. Since 1994, Aboriginal Affairs has provided approximately $131,000 to Aboriginal organizations and communities to support initiatives in the area of education. These activities have ranged from field trips for Aboriginal students from remote communities to conferences on Aboriginal education to literary programs. These grants are in addition to those available from other provincial departments and agencies.

1058. One example is the development of the Peter Bull Memorial Library as part of a new facility for the Maskwachees Cultural College Foundation operated by the Four Cree Nations of Hobbema. The College provides cultural and academic programs.

1059. The $100,000 in funding helped the library expand its collections for the student research centre and the community reference centre. The library's collection now includes a unique living history collection of 250 hours of video tapes created by local Elders.

1060. Alberta Community Development is connecting all public libraries to the Internet to facilitate equitable access to information for all Albertans. Public libraries are also eligible to be connected to Alberta's SuperNet, a high-speed fibre optic network being rolled out over the next three years. Public libraries are also working with colleges and universities across Alberta to develop seamless access to all publicly funded library resources. Specialized search engines are being developed to facilitate transparent searching of the catalogued information. Government libraries are also being approached to become part of the network. Purchase of licenses to access specialized databases such as research journals, business data, newspapers and magazines is also part of the initiative. The overall approach is designed to serve all Albertans no matter where they live or what their economic circumstance.

Article 15: Right to Take Part in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

1061. Following the introduction of amended human rights legislation in 1996, the Alberta Multiculturalism Commission (AMC) was discontinued. The most important functions of the AMC were transferred to the Human Rights and Citizenship Commission. The Alberta ***Human Rights, Citizenship and Multiculturalism Act*** defines the functions of the Human Rights and Citizenship Commission as follows:

16(1) It is the function of the Commission

a) to forward the principle that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status. (The Supreme Court of Canada read Sexual orientation into the Act.),
b) to promote awareness and appreciation of and respect for the multicultural heritage of Alberta society,
c) to promote an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta,
d) to encourage all sectors of Alberta society to provide equality of opportunity,
e) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status,
f) to promote an understanding of, acceptance of and compliance with this Act.
g) to encourage and co-ordinate both public and private human rights programs and activities, and
h) to advise the Minister on matters related to this Act.

1062. The Act also created the $1.1 million Human Rights, Citizenship and Multiculturalism Fund. The Minister of Community Development established the Advisory Committee on the Fund to provide advice on spending priorities for the Fund. Financial assistance from the Fund is available for projects that strive to foster equality and promote fairness and access.

1063. Since 1994, Alberta Aboriginal Affairs has provided approximately $3.5 million to Aboriginal organizations and communities to support cultural and academic initiatives. These activities have ranged from Native Dance training and exhibitions to academic conferences on a variety of Aboriginal cultural issues. These grants are in addition to those available from other provincial departments and agencies.

1064. The largest single project was the Treaty Eight Centennial. A celebration of the signing of the Treaty between the government of Canada and the First Nations in northern Alberta included an academic conference with workshops on historical and genealogical research methods.

1065. The Government of Alberta has a new *First Nations Sacred Ceremonial Objects Repatriation Act*, which provides the general principles of repatriation and the means for the Province of Alberta to relinquish any legal claim to sacred ceremonial objects in its collections. This will allow complete repatriation of these objects to their First Nation communities, where that is the community's desire.

1066. During the fiscal year 1999-2000, $16 million in funding was provided from lotteries to the Alberta Foundation for the Arts to support the performing, visual, literary and film/video and cultural industries in Alberta. The first year of an Alberta Foundation for the Arts administered, three-year program to support film production in Alberta was completed. The Alberta Film Development Program will provide $5 million annually for three years to Albertan filmmakers.

Saskatchewan

Article 6: Right to Work

1067. *The Labour Standards Act* and *The Occupational Health and Safety Act, 1993*, continue to be administered by the Department of Labour.

1068. Concerns and complaints regarding labour standards are filed with the Labour Standards Branch, Department of Labour, and subsequently reviewed by Labour Standards Officers. Where necessary, Labour Standards has the authority to issue a wage assessment, which is a legal document that sets out the amount of wages owed to the employee.

1069. In January 1999, the Department of Labour established a Labour Standards Inquiry Call Centre to provide information on workplace rights and responsibilities. Between April 1999 and March 2000, the call centre provided information to more than 65,000 people.

1070. Social and demographic changes will affect all workplaces in Saskatchewan. By 2001, one-quarter of those seeking to enter the work force will be of Aboriginal ancestry. This will rise to one-half by 2011. To address this issue, the Department of Labour is working with Aboriginal people and youth to prepare for their entry into the workplace and with employers to create representative and healthy workplaces.

1071. The Aboriginal Employment Development Program administered by the Department of Intergovernmental and Aboriginal Affairs was developed in 1992 as a response to the changing needs of the Aboriginal population. The Program is designed to take a bilateral, proactive, integrated and focussed approach to promote Aboriginal training and employment in Saskatchewan, both within the public and private sector.

1072. *The Labour-sponsored Venture Capital Corporations Act* was established to help employee groups and individuals create or maintain jobs by contributing to funds which invest in small and medium Saskatchewan-based businesses administered by the Saskatchewan Department of Economic and Co-operative Development (SDECD). Once an eligible venture is incorporated by a labour association and registered with the Department, employees and individuals qualify for federal and provincial tax credits. This revenue pool of capital can be used for a range of investments, or to enable employees to buy all or part of the company for which they work.

1073. *The Small Business Loans Association Program Regulations* were established to assist businesses and create jobs by providing loans to small businesses. The SBLA Program created or maintained 1,607 jobs in fiscal 1999-2000 and 14,600 jobs to date.

1074. Since 1993, SDECD has provided funding (up to a maximum of $60,000) to the Regional Economic Development Authorities Initiatives (REDAs). REDAs pool their resources to support job and wealth creation and undertake activities in co-ordination, organizational development, entrepreneurial training, diversification research, and business attraction and retention.

1075. For a 24-month period ending September 16, 2000, SDECD administered the Provincial Nominee Program pilot project in conjunction with the Government of Canada. Under the Program, the provincial government has nominated 41 individuals pending to immigrate to the province who have potential to make a significant economic contribution. The Provincial Nominee Program may be extended for an additional year and the maximum number of provincial nominees may be extended to 300.

1076. The Saskatchewan Department of Post-Secondary Education and Skills Training (PSEST) is developing a Labour Market Planning and Information Strategy to more effectively link post-secondary education, training and employment services to the changing needs of Saskatchewan's labour market.

1077. Saskatchewan's JobStart/Future Skills Program links workplace and classroom training to jobs. The Program's components include:

- Work-based Training provides employers with up to 50 percent of approved training costs for each trainee. The employers provide recognized on-the-job training for new, full-time positions.
- Institutional Quick Response Training provides short-term credit for training to meet industry needs for qualified employees.
- Sector Partnerships funding is provided to implement partnership with trainers and communities to meet industry's needs for skilled workers.

1078. The Province's Apprenticeship and Trade Certification Commission works to include members of under-represented groups in apprenticeship and certification programs. The Commission also works to increase its partnerships with industry, equity groups, Aboriginal post-secondary institutions and organizations, students, and communities to increase access to apprenticeship training and certification programs.

1079. Employment programs help unemployed people get the training and work experience they need to become employed. Employment programs and services include:

- *Bridging* provides programs that may include client assessment, counselling, job readiness preparation, basic education, entry level skill development work experience, mentoring. Support for childcare and transportation may also be included.
- *Work Placement* provides wage subsidies or other employment-related costs (i.e. job coaching, mentoring, specialized equipment) to private and public sector employers who employ eligible participants.
- *Community Works* helps participants gain meaningful work experience, while enhancing community facilities or services. The program provides wage subsidies or

other employment-related costs to community-based organizations and municipalities. Employers provide job orientation and on-the-job training and assist with job-placement.

- *Self-Employment* assists participants in successfully operating their own businesses through classroom instruction, individual consulting, mentoring, or skills workshops.

1080. PSEST has partnered with other agencies in long-term training initiatives to improve the employment opportunities for people in the northern half of the province, most of whom are Aboriginal people:

- An initiative for the mineral sector, the Multi-Party Training Plan, has been renewed for a second five-year term from 1998-2003. The Plan is a partnership between government, mining companies, training institutions, and Aboriginal organizations. Established to ensure that training is developed and delivered to people in the northern half of the province to gain or maintain employment in the changing mineral industry.

- A new initiative, the Forestry Sector Partnership Agreement, is being developed for the forestry industry and includes governments, agencies involved in funding and delivering training, Aboriginal agencies, and industry. This agreement will ensure that people in the province's commercial forest regions are prepared for employment opportunities.

- The Northern Training Program funds the development and delivery of mineral and forestry employment training for northerners through basic skills, pre-employment, apprenticeship and technical training programs.

1081. Through the Employability Assistance for People with Disabilities Agreement, the province delivers employability-related programs and services for adults with disabilities. The Government of Canada shares the cost. These programs and services assist people with disabilities to find and keep jobs through funding for assessments, wage subsidy, job coaching, specialized transportation, interpreting services, or technical supports, tutors, note-takers, technical aids, etc. Also, students with certain disabilities who qualify for student loans are eligible for Federal and Provincial Study Grants. These grants can be used to cover exceptional expenses related to an individual's disability, including costs such as: note-taker, reader, tutor, interpreter, specialized transportation, technical devices, alternative formats such as large print, Braille, or audiocassette reading, etc.

1082. The Canada-Saskatchewan Career and Employment Services have offices in 20 locations across the province, providing a range of career and employment services for both job seekers and employers including career planning, employment counselling, education upgrading, and recruiting.

1083. The *SaskNetWork* Web site offers career, education, employment and labour market information, designed to meet the specific information needs for Saskatchewan. A unique feature of the site is the new *SaskJobs* component, the most comprehensive provincial system in Canada, which provides job seekers and employers with on-line help finding work and workers. More than 100,000 users visit the Web site each month, logging about one million "hits."

Article 7: Right to Just and Favourable Working Conditions

Pay equity

1084. Pay equity is a strategy to reduce the wage gap between male and female wages caused by the systemic discrimination and the under-valuation of work traditionally done by women. In 1994, the Province decided to implement pay equity in the public sector through the collective bargaining process.

1085. Beginning in 1997, the Equal Pay for Work of Equal Value and Pay Equity Policy Framework established minimum standards for pay and internal equity initiatives. Saskatchewan applies the principle of "equal pay for work of equal value," which is more progressive than the concept of equal pay for equal work, previously embodied in human rights and labour standards legislation.

1086. Implementation of the Framework now covers approximately 60,000 workers in government departments, Crown Corporations, Treasury Board Agencies, Boards and Commissions, Saskatchewan Institute of Applied Science and Technology, Regional Colleges and the Health Sector.

Minimum wage

1087. *The Labour Standards Act* requires the minimum wage to be set by the Saskatchewan Minimum Wage Board. In 1996, the minimum wage was increased from $5.35 per hour to $5.60 per hour. On January 1, 1999, the minimum wage increased to $6.00 per hour. Minimum wage applies to all employees, regardless of age or sex, except workers employed in farming, ranching or market gardening.

1088. Based on Statistics Canada's Labour Force Survey, the following is a profile of minimum wage earners in Saskatchewan for 1997:

- 16,800 workers, or about 5 percent of the employed labour force, had at least one job over the course of the year that paid minimum wage. The proportion increased slightly over the summer months; the proportion was highest in June at 5.9 percent and lowest in January at 3.1 percent.
- 62 percent of minimum wage earners were female.
- 71 percent of minimum wage earners were single.
- 73 percent of minimum wage workers were 24 years old and under.
- About one-third of 15 to 19 year olds who worked in 1997 did so at the minimum wage.
- 38 percent of minimum wage workers were students for at least part of the year.

1089. The purchasing power of the minimum wage declined between 1993 and 1995. The increase of Saskatchewan's minimum wage to $5.60/hour in 1996 halted the decline and a further increase to $6.00/hour in 1999 has kept the purchasing power of a minimum wage income near the level it was in 1992.

1090. Based on a minimum wage of $6.00/per hour, a full-time minimum wage earner would earn approximately 60 percent more income than the amount paid to the average social assistance recipient and slightly less than the average unemployment insurance recipient.

Occupational health and safety

1091. In addition to prohibiting workplace harassment on sexual, racial and other grounds and addressing violence in the workplace, implementation of *The Occupational Health and Safety Act, 1993*, prevents accidents by strengthening the framework under which employers and employees jointly address health and safety issues. *The Occupational Health and Safety Regulations, 1996*, carry forward many existing provisions and updated others to reflect currently accepted safety standards and practices.

1092. In July 1998, the Department of Labour established the Prevention Services Branch to promote safe, fair, cooperative and productive workplace practices. The branch develops partnerships with employers, unions, professional associations and educational agencies to develop ways of preventing workplace problems.

1093. The Prevention Services Branch increases awareness of workers' rights and responsibilities. In May 1999, the department introduced the innovative *Ready for Work* Program to develop awareness and educational materials on health, safety and provincial labour standards for young people entering the workforce.

1094. The Department of Labour's *Farm Safety* Program, works to prevent accidents through the promotion of safe work practices on the farm. It provides presentations for schools and the public, exhibits at trade shows, information for the media, resource information for the public and a statistical database on Saskatchewan farm fatalities.

1095. *The Radiation Health and Safety Act, 1985*, protects the health of persons exposed to radiation and the safety of persons who operate and use radiation producing equipment and associated apparatuses. Amendments to the Act were passed in April 1996 to regulate non-ionizing radiation, extend the new ionizing dose limits to all employees, enable the issuance of codes of practice as recommended by the Radiation Health and Safety Committee, clarify the regulation-making authority under the Act and clarify the qualifications for persons permitted to operate x-ray equipment.

Occupational accidents

1096. *The Workers' Compensation Act, 1979*, provides for compensation to workers for injuries and illness sustained in the course of their employment. The Saskatchewan Workers' Compensation Board (WCB) administers the Act. The WCB is an independent body created by provincial legislation to administer the system on behalf of workers and employers.

1097. The following table shows the types and numbers of claims made to the Saskatchewan Workers' Compensation Board in selected years:

Type of Claim	**1990**	**1994**	**1999**
Fatal	30	36	31
Lost Time	13,276	12,615	13,108
No Lost Time	19,721	18,225	18,337

Article 8: Trade Union Rights

1098. The Saskatchewan Labour Relations Board (LRB) is an independent body created by provincial legislation to interpret and administer *The Trade Union Act*, *The Construction Industry Labour Relations Act, 1992*, and *The Health Labour Relations Reorganization Act*.

1099. In 1999, the number of union members in Saskatchewan totaled 117,800, representing approximately 23 percent of Saskatchewan's total labour force. Women represented 54 percent of union membership.

1100. *The Trade Union Act* guarantees employees the right to organize in a trade union to bargain collectively with their employers. Amendments to the Act, passed in 1994, enable the LRB to help parties reach a first collective agreement, require changes to terms and conditions of work to be bargained after a contract has expired, and improve arbitration and labour relations services. Amendments also specify an employee's right to return to work following a strike or lock-out, clarify and enhance successorship rights of unionized employees and improve remedial powers of the LRB.

1101. *The Health Labour Relations Reorganization Act*, passed in July 1996, was developed in response to a request by both employers and unions in the health sector. The legislation provided for the appointment of a commissioner to examine complex labour relations issues and make regulations for orderly collective bargaining.

Article 9: Right to Social Security

Income security

1102. Saskatchewan Social Services administers the *Saskatchewan Assistance Plan*, which provides a range of income supports and services for those who have little or no income.

1103. Objectives under the Plan are to:

- provide basic income support for children, families and individuals to reduce social and health disadvantages caused by poverty.

- enhance client independence through access to employment, training programs and other measures.
- fund community services that contribute to the social and economic well-being of low-income children, families and individuals.

1104. Saskatchewan Social Services has agreements with five northern First Nations for delivery of social assistance to off-reserve Band members living in adjacent communities. These arrangements advance the partnership approach of service delivery between First Nations and the provincial government.

Income security redesign

1105. Income security programs underwent a major structural change with the introduction of Income Security Redesign in 1998, an intergovernmental strategy to address family and child poverty by removing income-related barriers and disincentives to employment and providing the necessary supports to enable low income earners to move into and stay in the workforce.

1106. Due to the array of benefits provided through the single Social Assistance Plan (SAP) program and the steep tax back rates associated with employment income, many SAP recipients could not afford to leave social assistance for employment due to loss of benefits. Redesign has involved simplifying and streamlining SAP along with the simultaneous introduction of carefully constructed, integrated programs outside the SAP system, to meet the needs of low income families and to support labour force attachment.

1107. New program initiatives include:

- The Saskatchewan Child Benefit provides a monthly allowance to assist lower income families with child raising costs. In conjunction with the National Child Benefit Supplement, the SCB extends children's benefits to all low-income families whether they are on social assistance or earning a low wage. The SCB will phase out as the federal program matures through gradually staged increases. Approximately 63 percent of families receiving benefits are single parents and comprise nearly 87 percent of all single-parent families in Saskatchewan.

- The Saskatchewan Employment Supplement provides a monthly supplement to wages, child and/or spousal maintenance payments and self-employment earnings of lower-income parents. The program assists parents with the child-related costs of going to work and supports their decision to work. Approximately 70 percent of families receiving SES benefits are single parents.

- The Provincial Training Allowance is a monthly allowance for students enrolled in adult basic education or related courses. The training allowance replaces social assistance and includes provisions for child-care and supplementary health benefits.

- Family Health Benefits provide supplementary health benefits to low-income working families to ensure they do not have to resort to social assistance to provide for their children's health.

1108. When completed, the Income Security Redesign (Phase II) will further simplify and streamline the existing SAP benefit structure and refocus staff resources to activities which help clients overcome barriers to employment, training and community participation. Additional areas for interdepartmental and intergovernmental policy and program development include housing, child-care, supports for disabled persons and youth in transition, and education and training supports.

Article 10: Protection of the Family, Mother and Child

Saskatchewan's Action Plan for Children

1109. Implementation of Saskatchewan's Action Plan for Children has included development of numerous Child Action Plan Committees that identify priorities and work towards local solutions. Building on this work, nine Regional Intersectoral Committees (RICs) facilitate integrated local and regional planning and delivery of services. RIC is represented by a variety of human service agencies and government departments.

Childcare

1110. Under *The Child Care Act* and *The Child Care Regulations*, child day care services are delivered through licensed child day care centres and licensed family childcare providers. The program strives to:

- Ensure low-income families have access to child care resources that provide a healthy, safe and nurturing environment for children.
- Provide increased and more flexible range of safe and nurturing childcare options for low-income families.
- Support labour market attachment.

1111. The Child Care Subsidy Program provides a monthly subsidy to licensed childcare facilities on behalf of children from low-income families to allow parents to participate in the workforce or receive employment training. The Child Care Grant Programs for licensed facilities are to ensure the ongoing viability of licensed facilities, allowing the option of licensed care as one of the continuum of options for parents to choose from.

Family and youth services

1112. The Department of Social Services administers *The Child and Family Services Act*, *The Child Care Act*, *The Residential Services Act* (dual authority with the Department of Health), and *The Young Offenders' Services Act*. The department provides targeted support to at-risk families and youth to prevent further family breakdown; child welfare services to protect children from harm and provide children in the Department's care with appropriate residential and personal services; and community support and custody programs for young offenders.

1113. In 1994, Social Services began implementing a province-wide Family-Centred Case Management Model for the delivery of services to children in need of protection. Recognizing that a healthy family is central to children's best interests, children and family members receive appropriate care and treatment in their own homes.

First Nations child and family services

1114. Since 1993, Social Services has been working closely with First Nations to develop child and family services agencies on Indian reserves. By the end of 1999-2000, there were 17 agencies operating in the province providing a full range of child and family services to 64 bands. The agencies have full authority to provide all services outlined in *The Child and Family Services Act* for their band members living on reserve.

Child prostitution

1115. In 1997, Social Services helped develop an interdepartmental strategy to address child prostitution. The five-point strategy involves public information, outreach services to sexually exploited youth, tracking and monitoring systems, stricter law enforcement policies, and monitoring provincial and federal legislation.

Support for disabled persons

1116. The Office of Disability Issues (ODI) was established in September 1998, to focus and coordinate government initiatives on disability issues. The ODI works closely with the Saskatchewan Council on Disability Issues and has held province-wide consultations to develop a Saskatchewan Disability Action Plan.

Article 11: Right to an Adequate Standard of Living

Housing

1117. The Saskatchewan Housing Corporation (SHC) is responsible for ensuring that Saskatchewan people have access to adequate, affordable housing. In 1999-2000, SHC administered approximately 31,470 units of assisted and affordable housing. Approximately 19,000 of these households are Government subsidized. The remaining 12,470 units are affordable units rented at the low end of market rents. These units are in addition to approximately 30,000 low-income households that are assisted directly through Social Services' income security shelter allowance programs.

1118. Since 1997, as part of its continuing commitment to housing needs, SHC has delivered 225 new family housing units in northern communities. In southern Saskatchewan, since 1997, the province has added 591 family housing units including 136 social housing units and 455 affordable housing units acquired and renovated for low-income families.

Saskatchewan's housing situation

1119. The most critical housing needs in Saskatchewan exist in the Province's north. The 1996 Census Survey reported that in the north, about 27.5 percent of the houses were in need of major repairs compared to only 9 percent of houses for the Province as a whole.

1120. Since 1986, the Core Housing Need Model has been used to measure housing need across the country. This model assesses a household's housing situation against basic standards of affordability, adequacy and suitability in relation to its income. Households failing one or more of these standards and having incomes below the level needed to acquire appropriate housing are determined to be in core need. In 1996, there were approximately 46,000 households in Saskatchewan that fell below these standards.

Enabling strategies

1121. According to the Statistics Canada 1996 Census, there are approximately 22,475 Aboriginal off-reserve households in Saskatchewan. It is estimated that approximately 8,155, or 36.2 percent of all off-reserve Aboriginal households are in Core Need (as defined above). Approximately 13 percent of all non-Aboriginal households are in core need.

1122. The Métis Urban Housing Association of Saskatchewan (MUHAS) is an umbrella organization of six Métis non-profit corporations that manage urban housing units located in six provincial centres. These six groups along with one non-affiliated non-profit corporation manage 1,515 social housing units that were delivered under the Urban Native (U.N. 1,362 units) and the Indian Ancestry (I.A. 153 units) programs. These programs were targeted to low-income Aboriginal households. Namerind Housing, a non-affiliated non-profit, manages the remaining 296 units (248 U.N. & 48 I.A.).

1123. In addition, approximately 696 Urban Native and 309 Indian Ancestry housing units are being managed by Aboriginal groups in at least eight provincial centres. Effective January 1, 1997, as part of the Federal Transfer Agreement, the administrative responsibility for these units was transferred back to the Government of Canada.

1124. SHC and the Métis Nation of Saskatchewan (MNS), have developed a manager training program to enhance the skills of northern people in preparation for their longer term involvement in housing. It is intended that graduates of this program will bring their skills to local community housing authorities.

1125. To enable greater community involvement in housing and provide local employment, community-based housing authorities were established throughout northern Saskatchewan starting in 1995. At present, there are eight community-based organizations (CBOs) managing SHC units in the north. They include seven housing authorities and 1 non-profit housing corporation managing a total of 1,146 units. Most Board and management positions on northern housing authorities are Aboriginal.

Provincially funded programs

1126. The Home Modification for the Disable Program assists people with disabilities and limited financial resources to adapt their homes to accommodate their disability.

1127. The Social Housing Homeowner Emergency Repairs Program assists social housing homeowner clients with emergency repairs through a forgivable grant.

1128. The Accelerated Homeownership and Repair Option provides northern Homeowner Program clients living in remote communities with a mortgage discount on the original mortgage value of the home up to the maximum of $50,000 and a matching forgivable loan for repairs.

1129. The Rental Purchase Option provides long term northern assisted housing clients with an opportunity to own their own homes by providing up to a $50,000 grant.

1130. Saskatchewan Assisted Living Services provide an option to low income tenants in senior social housing to maintain their independence and to remain living in their homes.

1131. The Remote Housing Program provides northern low-income households an opportunity to own their own affordable, suitable housing through funding to assist with construction costs. Families are encouraged to provide sweat equity to further reduce construction costs.

1132. The Rental Market Assistance Program provides ten-year forgivable grants to northern non-profit and private developers to construct, own and operate rental housing projects.

1133. The Saskatchewan Department of Economic and Co-operative Development (SDECD) launched the Neighbourhood Development Organization (NDO) initiative in 1998 to assist groups and individuals from low-income, inner-city neighbourhoods to address community economic development needs and opportunities.

1134. In 1998, SDECD introduced the Co-operative Development Assistance Program to provide financial support to non-profit and for-profit co-operatives up to a maximum of $10,000. The program has supported the establishment of co-operatives for home care, seniors' homes, transportation, bulk food buying, healing, counselling and women's construction.

Article 12: Right to Physical and Mental Health

1135. Saskatchewan is guided by provincial and national health legislation to attain all of the rights enshrined in Article 12.

Primary health care

1136. In September 1997, Saskatchewan Health launched the Primary Health Services' Initiative to promote the development of primary health service sites on a voluntary basis. The sites are to demonstrate the benefits of a new integrated delivery model for basic health services with the goal to improve population health and ensure a sustainable health system by:

- developing a more client-centred approach
- focusing on individual and population health needs
- fostering integration and co-ordination of services
- encouraging a team approach to health services delivery
- supporting continuity of care including prevention, promotion, early intervention, treatment, rehabilitation, supportive and palliative care
- strengthening role of disease prevention and health promotion
- increasing individual and community involvement in program development and planning
- linking health services with other community services; and providing services based on evidence of positive health outcomes

1137. The conceptual framework for the Initiative is based on the World Health Organization's definition for primary health care.

1138. Saskatchewan Health has established the Primary Health Services Branch to facilitate the development of primary health services in the province. Presently 18 pilot sites have been established and discussions are underway to establish several more sites. The sites use nurses in an expanded role through a transfer of medical function model. The government is looking at Regulation changes to allow Registered Nurses/Nurse Practitioners to take on new responsibilities.

Health spending

1139. Saskatchewan's expenditures on health (both public and private) in 1999 was 10.4 percent of its GDP. Saskatchewan is expected to spend $1.92 billion dollars on health care in this fiscal year, approximately 38 percent of the provincial budget.

WHO indicators

Infant mortality

1140. Saskatchewan's infant mortality rate has declined from 8.4 per 1,000 live births in 1995 to 5.6 per 1,000 live births in 1999. In 1998, the most recent year that national statistics on this indicator were available, Canada's national infant mortality rate was 5.7 per 1,000 live births. In comparison, Saskatchewan's infant mortality rate for 1998 was 6.4 per 1,000 live births.

Population access to safe water and sewage facilities

1141. Almost all residents in Saskatchewan have access to safe water and excreta disposal facilities (both rural and urban). However, there are some remote northern rural communities that have some challenges. The Department of Health is working towards solutions in these areas.

Infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis

1142. There is currently no reliable data on immunization of infants provincially. However, Saskatchewan will have better data soon with the new Saskatchewan Immunization Management System (SIMS), a computer system that will provide comprehensive immunization reporting in the future.

Life expectancy

1143. In 1999, Saskatchewan's average life expectancy was 78.5 years. Life expectancy for males born in 1999 was 75.4 years. For females, it was 81.8 years.

Proportion of the population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk to travel

1144. In terms of travel time (by vehicle) to the nearest hospital, this is the percentage breakdown currently:

- 68.5 percent have a travel time of less than 10 minutes
- 11.4 percent have a travel time of 10–20 minutes
- 9.3 percent have a travel time of 20–30 minutes
- 5.5 percent have a travel time of 30–40 minutes
- 1.9 percent have a travel time of 40–50 minutes
- 1.2 percent have a travel time of 50–60 minutes
- 1.4 percent have a travel time of more than 60 minutes

Aboriginal people

1145. First Nation and Métis people in Saskatchewan have significantly more health problems, infant mortality rates, child injury rates, etc.

1146. To improve the health of Aboriginal people, Saskatchewan is developing mutually beneficial working relationships between government and First Nations, Métis, and Inuit people, along with culturally sensitive health services, strong prevention and promotion strategies, and indirect interventions such as implementation of education and training strategies.

1147. Saskatchewan Health has recently been involved in an interdepartmental committee to develop a Métis and Off-Reserve First Nations Strategy as the result of a growing awareness of Aboriginal challenges.

1148. Saskatchewan's goal is to improve the health needs of Métis and off-reserve First Nations People such that their health status approximates that of the non-Aboriginal population in 20 years. In pursuit of this goal, Saskatchewan Health has:

- Reviewed the health status of Métis and off-reserve First Nations people through the Population Health Survey (conducted in 1998-99). The survey results will contain aggregate information on Métis and First Nations People and will assist in establishing benchmarks to measure future health status. Results will be available in mid-2001.

- Begun working with remote northern First Nations communities that have their own health services to better meet their health needs. This includes funding the Northern Health District to contract with an on-reserve health clinic to provide services to off-reserve people.

- Continued to work with the Métis Addictions Council of Saskatchewan Inc. (MACSI) to provide a full range of addictions treatment services.

- Begun working on a broad Aboriginal health strategy.

- Continued to support preventative education programs for Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE).

- Continued to fund and consult to the 'Successful Mothers Support Program' which provides services to disadvantaged families and their young children.

- Continued to fund and co-ordinate the "High Risk and Violent Young Offender Initiative," which has been implemented in five health districts to enhance health services for Aboriginals.

- Continued to support and co-ordinate the "Youth Suicide Intervention and Trauma Response Program," which supports a network of mental health professionals in 11 health districts.

- Worked to enhance podiatry services to provide prevention, consultative and treatment services to people with endocrine, nutritional and metabolic diseases, including diabetes.

1149. To determine whether the goal of improved individual and community well-being of Métis and off-reserve First Nations people is being met Saskatchewan Health will monitor the Potential Years of Life Lost (PYLL) of Métis and off-reserve First Nations people over the next 20 years. It is hoped that through the above initiatives, the rate of

PYLL for Métis and off-reserve First Nations people will match the rate of PYLL for the mainstream population within two decades.

Infant mortality and child development

1150. The government of Saskatchewan has undertaken a number of initiatives/activities to reduce the stillbirth rate and infant mortality rate, and to provide for healthy child development:

- Health service and outcome indicators for mothers and infants have been developed and collection of data and analysis is planned over the next couple of years. Indicators include prenatal care, avoidable hospitalization of infants, adolescent pregnancy, infant mortality, and at-risk birth-weight.

- Preventative education programs are in place relating to Fetal Alcohol Syndrome (FAS)/Fetal Alcohol Effect (FAE). Included are an education program targeted at the female population, community development initiatives targeted specifically to First Nations communities, and secondary prevention demonstration projects in rural Saskatchewan which target prevention and intervention efforts to at-risk and chemically dependent women.

- The Early Skills Development Program is an effective early intervention program for very aggressive Kindergarten and Grade 1 children including Aboriginal children. The evaluation phase will be complete within one year and the two current sites could be used to serve as training sites for any expansion to other areas of the province.

- The Early Childhood Program in the Pipestone Health district is a three-year project funded by Health Canada, Pipestone Health District and SaskTel to demonstrate the effectiveness of the Hawaii Healthy Start home visiting family support program for disadvantaged families with newborns, including Aboriginal families.

- The Successful Mothers Support Program is an effective early intervention home visiting family support program providing services in 15 sites across the province to disadvantaged families and their young children, including Aboriginal people. The program provides some of the existing service delivery structure to support the early home visiting family support component of the provincial and federal Early Childhood Development Program being implemented.

Epidemic, endemic, occupational and other diseases

1151. The government of Saskatchewan has been able to work collaboratively with Aboriginal and non-Aboriginal people in controlling communicable diseases and linking prevention and treatment activities. Government and Aboriginal organizations have been able to work collaboratively to meet labour standards.

Universal health care

1152. Saskatchewan has a publicly funded health care system based on the principles of universality, accessibility and portability. The government maintains and adheres to these principles.

1153. Saskatchewan continues to provide insured medical services to all of its residents regardless of age. The province's human rights legislation prohibits any discrimination based on age, sex, religion etc. related to the provision of health services.

Community participation

1154. Primary health services sites have been established in several communities, a key element of which is community involvement in the planning, delivery and evaluation of services. Health Districts, operated by boards composed mostly of locally elected members, manage most core services. Residents can provide input or voice concerns directly to the District through the Quality Care Co-ordinators or to the Department of Health.

Health education

1155. The Saskatchewan Ministry of Health and Saskatchewan Health Districts provide health education services to the public through health providers, communications about health issues, media releases regarding specific health challenges such as smoking, and through district newsletters.

Economic and co-operative development

1156. Further to the right of everyone to a high standard of physical health, SDECD will provide $1,250,000 over a five-year period to the Health Services Utilization and Research Commission. Funding will be used for the Saskatchewan Regional Partnership Program established by the Medical Research Council of Canada, to support health research projects in Saskatchewan.

Environmental and industrial hygiene

1157. There are very few issues related to environmental and industrial hygiene in Saskatchewan. There are some water and sewage challenges in some remote communities in Northern Saskatchewan. Saskatchewan Health continues to work on solutions for these challenges.

1158. The following projects were funded by Saskatchewan Economic and Co-operative Development's Strategic Investment Fund:

- $307,588 was provided for equipment for the Environmental Quality Analysis Laboratory. The project's mandate is to promote, sustain and restore the environmental quality of soil, water and air.

- $98,390 was spent for equipment to be used for research on toxin- and odour-producing algal blooms in inland waters.

- $465,000 was granted to POS Pilot Plant Corporation, a private non-profit contract research and development facility serving the agri-food industry. The plant improvement will reduce environmental contamination and ensure the production of safe, high-quality food products.

- $117,800 was expended for equipment for the University of Saskatchewan's Toxicology Centre to be used in examining metal contamination of surface water, soil and sediments, and toxicity testing of new pesticides.

1159. The Canada-Saskatchewan Western Economic Partnership Agreement has committed $3 million to the International Test Centre for Carbon Dioxide (CO_2) Capture to be located at the University of Regina. The Test Centre will allow Canada to take a leadership role in reducing CO_2 emissions and will help the country meet the commitments of the Kyoto Protocol.

Article 13: Right to Education

1160. In 1999-2000, there were approximately 190,000 Kindergarten to Grade 12 students in 830 schools.

1161. Saskatchewan Education provides a number of supports to improve access and success rates for Aboriginal children, including:

- Thirty-one urban Community Schools with 44 pre-kindergarten programs providing culturally affirming supports and learning opportunities.

- Ten Northern Community Schools and five Community Education projects. The Northern Community Schools Program is built on the Community Schools Program but is adapted to reflect the strengths and challenges of northern communities.

- Locally-developed Indian and Métis education projects, as well as Elder and outreach initiatives.

- An Integrated Services Program to support at-risk students and their families with holistic, co-ordinated human services. The program targets children and youth facing multiple risk factors, youth not attending school and children and youth with emotional, behavioural or social problems.

- The Northern Expenditure Allowance, a factor of approximately 1.31, which is applied to the recognized expenditures of northern school divisions.

- The Foundation Operating Grant supports Aboriginal children by providing additional funding for the English as a Second Language Program, providing targeted funding for northern school divisions to address unique needs of northern students through the Northern Student Retention Program, and by funding alternate schools to respond to unique student needs.

- Specific efforts to ensure that curriculum and evaluation methods accurately reflect and respond to the needs of Aboriginal people. For example, Aboriginal content and perspectives are included in all curricula. Partnerships with Aboriginal leaders to develop Native Studies and Aboriginal languages curricula ensure relevant instructional materials and learning technologies.

- The Indian and Métis Education Staff Development Program to provide teacher in-service and Special Education professional development.

- The Aboriginal Education Provincial Advisory Committee makes recommendations for improving the Core Curriculum, educational programs, partnership initiatives, equity issues and policy.

1162. The main function of the Official Minority Language Office is the development, piloting and implementation of curricula for Core French, French immersion programs and Fransaskois schools.

Education equity

1163. In 1994, Saskatchewan Education, the Saskatchewan Human Rights Commission, the League of Educational Administrators, Directors and Superintendents, the Saskatchewan School Trustees Association, and the Saskatchewan Teachers' Federation released *Our Children, Our Communities and Our Future, Equity in Education: A Policy Framework.* This document outlined a framework for ensuring that all students and adults have the opportunity to participate fully and to experience success and human dignity while developing the skills, knowledge and attitudes necessary to contribute meaningfully to society.

Right to higher education

1164. Post-secondary institutions and the Department have developed a five-year Technology Enhanced Learning Action Plan to address social and economic challenges through advanced education and training in rural and northern communities, through retaining students, graduates and faculty for a knowledge-based society, and through enhancing Métis and First Nations peoples' education and training.

1165. The department and post-secondary institutions are developing detailed designs for the following initiatives:

- A Saskatchewan Virtual Campus to increase access to an expanded array of online courses and other programs through a Web site portal, improved credit transfer among institutional offerings, and linkages to related online services such as career and job information, student financial aid, and course registration.
- A Network of Technology Enhanced Learning (TEL) Services in urban, rural and northern locations assisting students to access TEL opportunities.

1166. Saskatchewan has a strategy to support equity initiatives in education. The Universities and SIAST have implemented equity initiatives. SIAST was the first Canadian institution to have a comprehensive Education Equity Plan approved and monitored by a provincial Human Rights Commission.

1167. The Government of Saskatchewan provides needs-based income support to qualified students enrolled in approved post-secondary courses of study, under three programs:

- The Saskatchewan Student Assistance Program provides financial assistance in the form of loans, bursaries, and study grants to needy students enrolled in post-secondary programs of study. This program features a Special Incentive Plan, which provides supplementary bursary assistance and loan remission to eligible students from disadvantaged groups. In addition, an Interest Relief Plan provides interest relief and deferred payments for students unable to repay their loans due to low income.

- The Provincial Training Allowance Program provides grant assistance to low-income adult students enrolled in basic education and related studies, short skill courses, and bridging programs, to assist with living costs. Students are also provided with supplemental health coverage.

- The Skills Training Benefit Program provides financial assistance to people eligible for federal Employment Insurance and enrolled in training programs. The program is designed to help people with their transition back to work and is managed by the province.

1168. Basic Education for adults includes one or more of the following components: basic literacy, traditional academic studies, English as a Second Language, and life skills and employability skills training. Basic Education is delivered through SIAST, regional colleges, Saskatchewan Indian Institute of Technologies, and Dumont Technical Institute.

1169. The Saskatchewan Urban Native Teacher Education Program, the Northern Teacher Education Program, and the Northern Professional Access College all promote access to education and training for Aboriginal people in a culturally sensitive environment.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

1170. In March 1999, the Saskatchewan Department of Economic and Co-operative Development (SDECD) gave $1.2 million to the Eastend Community Tourism Authority to construct a tourism and research facility called the Eastend Tyrannosaurus Rex Interpretive Centre.

1171. SDECD's Strategic Investment Fund ($5.9 million annual) encourages the development of new technologies and research infrastructure.

1172. SDECD is providing $25 million over five years towards the Canadian Light Source, a synchrotron light facility at the University of Saskatchewan. The $140.9 million facility will serve industrial and academic users from across Canada and will focus on research investigation in four key areas: biotechnology, biopharmaceuticals and medicine, mining, natural resources and the environment, advanced materials and manufacturing, and telecommunications and information technology.

1173. Close to $20 million of Canada-Saskatchewan Western Economic Partnership Agreement funding has been committed to existing and new research centers including the Petroleum Technology Research Centre, the Saskatchewan Structural Sciences Centre (which will provide complementary research to the Canadian Light Source Synchrotron), the International Test Centre for Carbon Dioxide Capture, the Estey Centre for Law and Economics in International Trade, and the expansion to the National Research Council's Plant Biotechnology Institute.

1174. The Innovation and Science Fund is a $10 million fund to provide funding to Saskatchewan universities, colleges, and research institutes in support of projects receiving approval and funding from the Canada Foundation for Innovation, the Canada Research Chairs, the Canadian Health Services Research Foundation, and the provincial portion of the Medical Research Council Regional Partnership Program or its successor under the newly established Canadian Institutes for Health Research. (These are all federal government research grants). The Innovation and Science Fund will be administered by SDECD and project funding will commence in fiscal 2000-2001.

1175. The *Saskatchewan Multiculturalism Act*, 1997 reaches beyond the traditional concept of multiculturalism to address the social justice issues of society, such as racism, equity, and equal access to opportunity. The Act provides that it is the policy of the Government of Saskatchewan to "promote policies, programs and practices that enhance intercultural understanding and respect for the diversity of Saskatchewan people."

1176. The Department of Municipal Affairs, Culture and Housing supports the following programs:

- Royal Saskatchewan Museum (natural history and Aboriginal history)

- Western Development Museum (economic and cultural development of western Canada)
- Wanuskewin Heritage Park (cultural legacy of Northern Plains Indians)
- Saskatchewan Science Centre (learning and literacy about science)
- Saskatchewan Centre of the Arts (performing arts)
- Saskatchewan Heritage Foundation (heritage resource conservation, restoration, interpretation and promotion)
- Saskatchewan Arts Board (creation, presentation, appreciation, collection and study of the arts)
- Saskatchewan Archives Board (historical records)
- MacKenzie Art Gallery (visual art collection, exhibition and research)
- SaskFilm (film industry development)
- Cultural industries development (recording, book publishing and crafts development)

1177. Lottery funding is an important part of the public resources used to support the provision of sport, culture and recreation in Saskatchewan. It directly supports the activities of urban, rural and northern municipalities, First Nations and other Aboriginal organizations and, in addition, non-government organizations providing programs and services in this area. Proceeds from Saskatchewan Lotteries are granted directly to approximately 1,200 sport, culture, recreation and community groups in the province which, in turn, distribute the funds to more than 12,000 volunteer non-profit groups.

1178. The Associated Entities Fund (later called the Community Initiatives Fund) was created by the Government of Saskatchewan in 1994 to distribute a portion of casino profits to regional exhibition associations, to Métis organizations for community-based business development, and to non-profit community groups providing programs and services for vulnerable children, youth and families.

Manitoba

Article 2: Rights Specifically Subject to Non-Discrimination Provisions

Manitoba Human Rights Commission

1179. The Manitoba *Human Rights Code* (see http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php) prohibits discrimination on the basis of a number of characteristics, including "source of income." Other protected grounds are ancestry, nationality, ethnic origin, religion, age, sex (including pregnancy), gender-determined characteristics, sexual orientation, marital or family status, political belief and physical or mental disability. Discrimination is prohibited in employment, services, rental of premises, contracts and purchase of real estate. Harassment on the basis of a protected characteristic is also prohibited.

1180. The Manitoba Human Rights Commission has a mandate to enforce The *Human Rights Code*. The Commission uses international human rights conventions, including the *International Covenant on Economic, Social and Cultural Rights*, to help interpret the substantive content of the Code.

1181. From 1994 to 1999, the following number of formal complaints were filed with the Manitoba Human Rights Commission on the basis of "source of income:"

1994 — 3; 1995 — 1; 1996 — 2; 1997 — 0; 1998 — 4; 1999 — 1.

Persons living with a mental disability

1182. In October 1996, *The Vulnerable Persons Living with a Mental Disability Act* (the "*Vulnerable Persons Act*") (http://web2.gov.mb.ca/laws/statutes/ccsm/v090e.php) came into force in Manitoba, after extensive province-wide public consultations. The Act is designed to promote and protect the rights of adults living with a mental disability who require assistance in meeting their basic needs and recognizes these Manitobans as "vulnerable persons." The Act complies with the *Canadian Charter of Rights and Freedoms* and contains a prominently placed statement of principles which helps in its interpretation.

1183. The *Vulnerable Persons Act*:

- requires that actions taken to assist vulnerable persons or to protect their rights be carried out in a manner which respects their privacy and dignity;
- creates a comprehensive legal framework for the development of a wide range of policies, programs and services for vulnerable persons;
- introduces services to protect vulnerable persons from abuse and neglect;

- recognizes the role of others (including family members) in assisting vulnerable persons to make decisions affecting their lives;
- provides for the appointment of substitute decision-makers for vulnerable persons if they are unable to make decisions about their personal care or management of their property; and
- contains provisions that make it very difficult to place a vulnerable person in a developmental centre.

1184. The *Vulnerable Persons Act* establishes the position of Vulnerable Persons Commissioner to administer the provisions dealing with the substitute decision-making. The Commissioner is subject to a number of checks and balances, built into the Act to protect the decision-making rights of vulnerable persons including:

- review of an application for a substitute decision maker by a hearing panel;
- limiting the powers which can be granted to a substitute decision maker to those areas where the vulnerable person is not able to make decisions;
- time limits on, and regular reviews of, appointments;
- the right to appeal the Commissioner's decision to court.

1185. From 1996 to 1999, the Vulnerable Persons Commissioner's office was also responsible for reviewing approximately 1,600 persons who had been placed under orders of supervision under the former *Mental Health Act* provisions. Under these orders, the Public Trustee of Manitoba was responsible for making all personal and property decisions affecting these persons. As a result of the reviews:

- the Commissioner dismissed or rescinded the orders on 163 persons as they were determined to be able to make decisions on their own or with the assistance of their support networks;
- another 77 persons were found to have been inappropriately designated as mentally disabled or were no longer resident in Manitoba;
- substitute decision-makers with very limited powers were appointed for 1,259 individuals — approximately 700 of these individuals were living in developmental centres at the time.

1186. The "In the Company of Friends" program also enhances the right of adults with a mental disability to make their own decisions. Started as a pilot project in 1993 and given non-pilot status in 1997, the Program provides adults with a mental disability with the opportunity to manage their own lives through supported decision-making by linking individuals to volunteer support networks in the community and by providing funding to give individuals the flexibility to develop or purchase services and supports appropriate to their unique desires and needs. Individuals choosing to use the "In the Company of Friends" program manage their own lives with support from family and friends. If an individual does not have natural supports, a formal support network is developed for him or her.

Aboriginal Community Law Office

1187. In late 1995, Legal Aid Manitoba opened its Aboriginal Community Law Office to deal with issues unique to, and common to, Aboriginal people including Aboriginal rights, civil rights, housing issues and education and health services. In addition, the Office is a resource for individuals aggrieved by racism and discrimination, as well as violations of their human and civil rights.

1188. The Aboriginal Community Law Office provides legal services in a manner which is consistent with the traditions and values of Aboriginal people. This includes attempting to resolve legal problems through non-adversarial means and by consensus. Where relationships between individuals or organizations have been damaged, healing and reconciliation are emphasized.

1189. Over the past several years the Aboriginal Community Law Office has attempted to concentrate on important public interest cases as well as on cases important to individuals.

Article 3: Equal Rights of Women and Men

1190. During the reporting period, the Manitoba Women's Directorate continued to represent women's interests by informing government of the impact of its programs and policies and identifying and communicating emerging issues. The Directorate also worked to secure the inclusion of women's priorities in Manitoba public policy, thereby securing more equitable outcomes.

Article 6: Right to Work

The Employment and Income Assistance Act

1191. In 1996, Manitoba's social assistance system was refocused to have two major objectives:

- to assist Manitobans to regain their financial independence by helping them to make the transition from income assistance to work; and
- to provide income assistance to Manitobans in financial need.

1192. The legislation governing the social assistance system was changed from *The Social Allowances Act* to *The Employment and Income Assistance Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/e098e.php), in part, to reflect a stronger commitment to help people in financial need to meet their needs through employment.

1193. This new legislation also set the stage to simplify the social assistance system by moving from a two-tier system in the City of Winnipeg — where both the Province and the City delivered assistance in the City — to having just the Province deliver assistance in the City (a one-tier system). Following a review of best business practices and a re-design of the delivery system for assistance, a one-tier system was implemented in the City of Winnipeg in April 1999. This contributed to effective planning for, and the streamlining of access to, employment opportunities and financial assistance.

1194. Since 1996, various programs, partnerships and measures have been introduced and refined to help program participants build financial independence from the social assistance system. Programs and partnerships are broad-based, and include Manitoba government departments (such as Family Services and Housing and Advanced Education and Training), other levels of government, private-based agencies and employers.

1195. In Manitoba, all non-disabled program participants and single parents with children over the age of six years are expected to develop a plan for entering the work force. Single parents with children under the age of six years and persons with disabilities are also encouraged to pursue a goal of employment. There are financial incentives to work, as social assistance payments may continue to supplement employment income.

1196. Through departments such as Advanced Education and Training, the Manitoba government explores ways to extend social assistance payments to people while they are receiving training or education leading to a diploma or certification.

Employability Assistance for People with Disabilities Agreement

1197. In addition to providing enhanced employment supports to persons receiving social assistance, Manitoba also provided a range of employment supports to persons with disabilities. During the reporting period, Manitoba signed the Employability Assistance for People with Disabilities Agreement — a new five-year federal/provincial cost-sharing agreement with the Government of Canada — which was effective April 1, 1998 through to March 31, 2003. This Agreement replaced another longstanding cost-sharing arrangement — the Vocational Rehabilitation of Disabled Persons Agreement.

1198. More employment-focussed than its predecessor, the Employability Assistance for People with Disabilities Agreement emphasized accountability, outcomes and evaluation. Under the Agreement, Manitoba recovered from the Government of Canada 50 percent of eligible provincial expenditures (up to $7.914 million annually) made on behalf of adults with a disability who were seeking gainful employment. Through several departments, programs and service delivery mechanisms, Manitoba was able to provide funding for work assessment, work training, on-the-job training, employment follow-up, educational funding, disability equipment and special supports to assist adults with a physical, psychological, mental, sensory or learning disability to prepare for, maintain and retain gainful employment.

Training initiatives

1199. The Manitoba government continued to extend opportunities for access to specialized training and upgrading programs to increase job readiness to groups which historically have been under-represented in the workforce, including Aboriginal people, women, social assistance recipients and low-income earners.

1200. Manitoba is committed to conducting training in communities, wherever possible. This is a departure from previous practices which required Northern First Nations people to leave their homes to attend campus-based training.

Technical, vocational and other training for women

1201. One goal of the Manitoba Women's Directorate is to enhance the capacity of Manitoba women to attain economic self-sufficiency or economic security. To this end, during the reporting period, the following initiatives were introduced.

1202. *Trade Up to Your Future* is a pre-trades training program to help women enter "non-traditional" career areas. The Program encourages women to consider employment in the skilled trades, prepares them for work in an industrial setting, increases the number of women apprentices and increases the number of women in high demand, well-paid employment by providing pre-employment training and subsidized work experience placements. The initial pilot project resulted, in September of 1999, in 14 graduates being employed in well-paying career-oriented occupations.

1203. *Power Up*, a computer literacy training initiative, promotes the importance of technology for women in today's society and the marketplace and provides training in a non-threatening environment that will build computer and Internet skills for adult women. From 1999 to December 2001, almost 5,000 women attended Power Up courses — almost exactly half lived in Winnipeg, and half in rural or northern Manitoba, where courses were offered in more than 70 communities. Due to high demand, the Program was extended past its original two-year commitment for a third year.

New immigrants

1204. The Canada-Manitoba Immigration Agreement (1996) established immigration as a shared responsibility of the Government of Canada and the Government of Manitoba. Manitoba provides supports to immigrants to fully contribute to Manitoba's society, economy and culture. The 1998 Annex on Settlement Services gave Manitoba primary responsibility in the delivery of settlement services for new immigrants. In 1999, Manitoba allocated over $4.5 million to settlement services and adult "English as a Second Language" services. Settlement services provide initial orientation, employment preparation and placement, assistance with qualifications recognition and wellness supports. Adult "English as a Second Language" services assist immigrants in achieving their goals for work, school and living in the community.

Article 7: Right to Just and Favourable Working Conditions

1205. The legislated minimum wage in Manitoba was increased from $5.25 an hour (July 1995) to $6.00 an hour (April 1999) by amendments to the *Minimum Wages and Working*

Conditions Regulation under *The Employment Standards Code* (formerly *The Employment Standards Act*).

1206. In 1997, *The Workplace Safety and Health Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/w210e.php) was amended to increase fine levels under the Act tenfold — from $15,000 to $150,000 for a first offence, and from $30,000 to $300,000 for a second or subsequent offence.

1207. Amendments made in 1998 to the *First Aid Regulation* under *The Workplace Safety and Health Act* extended coverage to all workers (not just workers covered by workers' compensation) and based requirements for first aid supplies and training on potential hazards and distance to a medical facility, in addition to the size of the workplace (rather than size of workplace only).

1208. In response to fatalities involving the operation of forklifts, the *Workplace Safety Regulation* (under *The Workplace Safety and Health Act*) was amended in 1999 to provide for training and certification of forklift operators in accordance with a Code of Practice issued under the Act.

Article 8: Trade Union Rights

1209. In 1996, *The Labour Relations Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/l010e.php) was amended to establish certain rights of employees with regard to their union, including:

- the right to inspect the union's annual financial statements and compensation statements;
- the right to choose whether any portion of the employee's union dues may be used for political purposes; and
- the right of all employees in a bargaining unit to vote by secret ballot to ratify or reject any proposed collective agreement.

1210. The 1996 amendments also provided for a secret ballot certification vote where at least 40 percent of employees in a bargaining unit support unionization.

Article 9: Right to Social Security

1211. Under Article 6, reference has already been made to Manitoba's legislation respecting the provision of financial assistance to Manitobans in need (*The Employment and Income Assistance Act*). Until 1999, Manitoba had a two-tier system of assistance across the Province. Municipalities provided assistance to non-disabled people who were single, childless couples or two-parent families with children, in accordance with a provincial regulation. The Province provided assistance to single parents and to persons with disabilities. In 1999, a one-tier system was introduced in the City of Winnipeg for all client groups. Municipalities outside of Winnipeg are currently being consulted about extending this one-tier system across the entire Province.

1212. Manitoba has been, and continues to be, an active participant in federal/provincial/territorial discussions respecting funding and joint initiatives that preserve and advance the social security of all citizens. These multilateral discussions promote the effective planning and co-ordination of social security measures, and include such areas as early childhood development, labour market development and training initiatives, and income and disability-related supports for persons with disabilities (see Introduction for additional information on these initiatives).

Article 10: Protection of the Family, Mother and Child

1213. During the reporting period, the Manitoba government introduced a number of initiatives designed to enhance the protection of families, mothers and children. These initiatives included changes to child welfare legislation and enhancements to family supports, child day care and preventative child and family services.

Children and Youth Secretariat

1214. The Children and Youth Secretariat was established in 1994 to provide leadership and focus for a new partnership across government departments and Manitoba communities. Staff from the departments of Health, Family Services, Justice, Culture, Heritage and Citizenship, Education and Training, and Northern and Native Affairs, were seconded to the Secretariat to coordinate a wide ranging series of consultations involving virtually every Manitoba government department, community groups across the Province, educators, experts in Early Childhood Development, Aboriginal groups, parents, and young people themselves.

1215. Based on these consultations, the Manitoba government announced Manitoba's *ChildrenFirst* Plan, which reflected the United Nations *Convention on the Rights of the Child* — "Manitoba children and youth will have first call on the resources they need to develop into productive adults." The *ChildrenFirst* Plan identified four major policy directions:

- focusing on the early years;
- strengthening families and communities;
- recognizing and respecting Aboriginal culture; and
- reducing barriers to providing coordinated, outcome-based services for children and youth.

Child and family services

1216. In 1994-1995, the Family Support Innovations Fund was created as one of several policy and funding initiatives of the Department of Family Services and Housing to support a strategic shift in the delivery of child and family services in Manitoba. This strategic shift would be used to support the delivery of preventive and early intervention services based on the values of family preservation and permanency, family support and family responsibility. The Fund supported projects with the objective of reducing the number of children coming into care and their length of stay, or returning children to the care of their natural families or an alternative permanent home.

1217. In 1996, public hearings were held across Manitoba as part of the process for change to child and family services legislation. As a result:

- A separate Act was created to govern adoption and post-adoption services — *The Adoption Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/a002e.php). This Act enabled the licensing of private adoption agencies, financial subsidies for families adopting children with special needs and openness agreements between birth and adopting families, and expanded post-adoption services.

- *The Child and Family Services Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php) was amended to establish the Children's Advocate as an independent officer of the Legislative Assembly (discussed below).

- Changes to the Child Abuse Registry process in *The Child and Family Services Act* were introduced that gave responsibility for notification and registration to local committees, discontinued victim registrations, enabled the registration of third party offenders and expanded access to the registry to assess the suitability of unpaid workers to work with children.

1218. In 1999, important amendments to *The Child and Family Services Act* came into effect that were intended to strengthen the delivery of protection services by child and family service agencies while, at the same time, making the system more responsive to parents' and children's rights. For example:

- the legislation provided for a more expeditious hearing process once a child in need of protection was taken into care;
- the grounds for providing extended family members with access to children in care were changed from establishing "extraordinary circumstances" to establishing that access would be in the child's best interests;
- consent of a child in care who is 16 or over was required before medical and dental treatment could be provided; and
- the licensing of child care facilities came under the Act.

Independent Children's Advocate

1219. As described in Canada's Third Report under this Covenant, the Children's Advocate, established in 1993, originally reported to the Director of Child and Family Services. After an all-party legislative committee review of the Office in 1997, which included public hearings, *The Child and Family Services Act* was amended (in 1999) to make the Children's Advocate independent from the government. The Children's Advocate is now an independent officer of Manitoba's Legislative Assembly who reports to the Assembly, is appointed on recommendation of a standing committee of the Assembly and holds office for a fixed term of three years. The first independent Children's Advocate was appointed in March of 1999.

1220. The Children's Advocate is active in protecting the rights of children and has identified some areas for consideration by the government, including:

- expanding the Children's Advocate's mandate, which is currently limited to the child and family services system, to include children receiving economic security, housing, justice, health and education services;
- enhancing the Children's Advocate's powers to investigate, report and monitor compliance with reports;
- requiring that children be notified of their right to complain to the Children's Advocate;
- the Children's Advocate's concerns respecting her limited presence in northern and rural areas of Manitoba.

Aboriginal Justice Inquiry — Child Welfare Initiative

1221. In 1988, the Manitoba government established the Public Inquiry into the Administration of Justice and Aboriginal People (the "Aboriginal Justice Inquiry") to review all components of the justice system in relation to Aboriginal people. The Aboriginal Justice Inquiry Report (http:www.ajic.mb.ca/volume.html), submitted to the Minister of Justice in August of 1991, included an analysis and observations regarding the historical treatment of Aboriginal people by the social services system, and in particular, the child welfare system.

1222. In 1999, the Manitoba government announced its commitment to address the Aboriginal Justice Inquiry's recommendations and established the Aboriginal Justice Implementation Commission to identify priorities and advise the government on methods of implementing the recommendations. Approval was given to the recommendation of the Department of Family Services and Housing, supported by the Department of Aboriginal and Northern Affairs, to proceed with an implementation strategy and plan to address the significant child welfare recommendations contained in the Report.

1223. The final report of the Aboriginal Justice Inquiry Commission was submitted on June 29, 2001. Further details about the report, its implementation and the restructuring of the child welfare system in Manitoba will be provided in Canada's next report.

Child day care

1224. Between fiscal years 1994-1995 and 1996-1997, a number of changes to the child day care program resulted in reduced assistance to families. These included:

- reducing the number of allowable absent days for children whose families received fee subsidies (1994-1995);

- continuing to cap the number of subsidies ("subsidized cases") allowed (1994-1995 to 1998-1999);
- freezing the number of subsidized cases (1996-1997); and
- removing over $4 million from the Child Day Care budget (1996-1997).

1225. A number of positive child day care initiatives were also introduced during this timeframe, including:

- establishing a "Regulatory Review Committee" to provide suggestions on ways to simplify the regulations and provide more flexible support to parents (1996-1997);
- designating a number of "subsidized cases" for use by parents on income assistance who were working or attending approved training programs (1996-1997);
- providing funding to establish flexible child care models to meet parents' changing work patterns (1996-1997);
- providing more funding for children with disabilities and extending the funding to all non-profit child care facilities, including family child care homes, so parents have more options and choice (1997-1998);
- eliminating the allotment of "subsidized cases" to individual facilities so parents would have more choice in enrolling their children (1998-1999);
- simplifying the subsidy application form (1998-1999); and
- providing targeted funding for new rural child care spaces (1999-2000).

Family violence prevention

1226. Enhancements to family violence prevention services and measures to prevent and reduce family crisis were instituted during the reporting period.

1227. In response to the Lavoie Inquiry into a tragic incidence of domestic violence, the Manitoba government announced a funding commitment of $1.7 million in 1997 to assist families caught in the cycle of violence. Since then, Family Services and Housing has expanded several existing programs and has developed a number of new programs to assist families.

1228. Some of the initiatives resulting from the Lavoie Inquiry included:

- the establishment of three supervised child visitation/access services;
- the introduction of couples' counselling programs and men's counselling programs; and
- the implementation of a large scale media campaign *Promises aren't the only things that get broken.*

1229. During the reporting period, the Manitoba government also:

- declared November as "Domestic Violence Prevention Month";
- introduced domestic violence training for government employees;

- provided additional funding to fill gaps in services for families affected by domestic violence, particularly in Northern and rural Manitoba;
- established a men's resource centre in Winnipeg; and
- established a women's anger management group in Brandon for women with anger management problems who have been in an abusive relationship.

1230. In September 1999, *The Domestic Violence and Stalking Prevention, Protection and Compensation Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/d093e.php) came into force. This Act provides persons subjected to stalking and domestic violence with the ability to seek a wide range of civil court remedies to address their individual needs. In the first year the Act was in force, over 1,100 orders of protection were granted.

Family conciliation services

1231. In 1995, Manitoba's Family Conciliation service began offering "For the Sake of the Children" — a supportive information program for separating and divorcing parents. Parenting situation vignette and legal information videos were subsequently produced for use in the Program and a regional delivery model was developed and implemented.

1232. In 1998-1999, a Comprehensive Co-mediation Pilot Project was developed to help separating and divorcing parents resolve support and property issues, as well as their parenting arrangements, through a free mediation service which operates through Family Conciliation. Family Conciliation has long provided mediation of custody and access issues, as well as Court-ordered assessment reports, at no cost to parents.

1233. The free public information booklet *Family Law in Manitoba* was updated regularly and made available to thousands of Manitobans (see http://www.gov.mb.ca/justice/family/family.html).

Winnipeg Development Agreement

1234. During the reporting period, the Manitoba government, the Government of Canada and the City of Winnipeg entered into the Winnipeg Development Agreement, under which the three levels of government committed a total of $75 million over five years for the delivery of social service related programming.

1235. The "Innovative and Preventive Child and Family Services" component of the Agreement was given a budget of $4.5 million over a five-year period that expired in March 2000. That component provided funding for community-based solutions targeted to children and families living in poverty. Projects concentrated on innovative and early intervention strategies that supported early childhood development, adolescent parents, Aboriginal mothers and prenatal nutrition.

Legal Aid

1236. Since 1994, the Government of Manitoba has increased funding to legal aid services in general through the hiring of additional staff lawyers for Legal Aid Manitoba and an enhanced fee structure for lawyers in the private bar who provide services to legal aid clients.

1237. In the fiscal year ending March 31, 1994, expenditures for legal aid in Manitoba amounted to $15,785,040.

1238. Legal Aid Manitoba continues to lead in the family law area by encouraging alternative dispute resolution which does not involve the adversarial court process. Legal Aid Manitoba has established a panel of lawyers — Legal Aid staff lawyers and private bar lawyers — who are prepared to practise collaborative law in an attempt to bring family clients and their lawyers together in face-to-face negotiations in order to put equitable and durable settlements in place after a family break-up — without the need for expensive court proceedings.

Article 11: Right to an Adequate Standard of Living

Social assistance

1239. Manitoba's social assistance system, and its objectives — helping Manitobans enter or re-enter the labour force and providing financial assistance for basic needs — are discussed under Articles 6 and 9.

1240. In the 1998-1999 fiscal year, the average monthly number of households that were assisted by the Manitoba government and Manitoba municipalities was 36,850, with an associated expenditure of $315.7 million. This was a decrease of 6.1 percent from the number of cases requiring assistance in the 1997-1998 fiscal year (39,235 compared to 36,850 cases) and a corresponding decrease in expenditures of 6.1 percent (from $336.1 million to $315.7 million).

1241. Although in the mid-1990s the government's financial resources made a reduction in assistance rates necessary, significant efforts were made to help social assistance participants attain economic security through employment. Enhancements to the social assistance system were started in the late 1990s, and have continued. During the reporting period, for example, a 14 percent increase in an additional monthly allowance paid to persons with disabilities was granted and financial incentives for program participants to seek employment were simplified and streamlined.

1242. During the reporting period, Manitoba's two income supplement programs continued to provide benefits to low-income residents. 55 Plus — a Manitoba income supplement — provided quarterly income supplements to low-income Manitobans 55 years of age and over. The Child Related Income Support Program provided monthly supplements to low-income families with children.

1243. Under the National Child Benefit, a joint initiative of Canada's federal, provincial and territorial governments, described in the Introduction to this report, the Government of Canada increased the income support it provided to low-income families with children. In turn, provinces, territories and First Nations adjusted the income support provided to families receiving income assistance and reinvested the funds in new or enhanced benefits and services for low-income families.

1244. One component of Manitoba's National Child Benefit reinvestment strategy was the Women and Infant Nutrition Program. Introduced in July 1998, the Program was designed to help meet the nutritional needs of pregnant women and children under one year of age in families receiving provincial income assistance. The Program provided nutritional information and counselling to social assistance and low-income working families. As an incentive towards participation and nutrition improvements, the Program also offered a monthly supplement to expectant mothers and mothers of infants up to one year of age if the families were in receipt of social assistance.

Housing

1245. During the reporting period, a number of changes occurred in the social service forum which had significant implications for social housing in Manitoba. The most significant was the Government of Canada's announcement that federal funding for cost-shared social housing programs would end, effective January 1994. As a result of the federal government's decision, Manitoba re-focussed its program objectives and activities to the ongoing operating and maintenance of affordable and adequate accommodation for households with low-to-moderate incomes.

1246. During the 1995-1996 fiscal year, Manitoba expended almost $6.5 million on modernizing and improving its social housing portfolio of almost 17,000 units. This commitment has continued over recent years, with an additional $8.2 million expended in 1996-1997, $6.7 million in 1997-1998, and $8.7 million in 1998-1999. Work undertaken included improvements to energy efficiency, repairing deteriorating housing stock, and modernizing heating, electrical and mechanical systems to generally improve the quality of public housing.

1247. Manitoba signed a new Social Housing Agreement with the Canada Mortgage and Housing Corporation (CMHC) in September of 1998. Under this Agreement, Manitoba assumed the management of and responsibility for the entire social housing portfolio in the Province. The Agreement essentially doubled the housing portfolio under Manitoba Housing's management and outlined the funding CMHC would provide to Manitoba to support the administration and operation of the combined federal/provincial housing portfolio.

1248. Under the terms of the Social Housing Agreement, Manitoba received funding at an initial annual level of approximately $75 million, which would decline on an annual basis as subsidy agreements expired. The challenge for Manitoba is to identify new options to ensure the ongoing viability and integrity of its social housing stock so that affordable and adequate housing continues to be available to low-income and moderate-income Manitobans.

1249. To assist families in undertaking needed renovations to older homes worth under $100,000, Manitoba introduced the Manitoba Home Renovation Program in 1994. The Program was intended to enhance the value of homes in Manitoba, to accelerate recovery in the renovation sector and to create jobs. Over the two years the Program was in effect, 9,608 applications for assistance were approved, for a total Program expenditure of over $9.5 million. More than one-half of the grants were paid to owners of homes valued at $75,000 or less, and close to one-quarter of all grants approved went to owners of homes valued at $50,000 or less.

Housing for low-income seniors

1250. In the 1997-1998 fiscal year, Manitoba introduced a number of measures to improve access to adequate housing for low-income seniors.

1251. In response to the ageing tenant population in elderly housing projects throughout the Province, Family Services and Housing undertook the Supportive Housing Pilot Project to provide supportive services on a fee-for-service basis for low-to-moderate income elderly tenants. An elderly housing project in Winnipeg was modified to provide two floors of supportive housing and one floor of assisted living accommodation for elderly tenants. The pilot project provided a successful housing option that enabled seniors to maintain their independence by remaining in a residential setting rather than moving to a personal care facility, and it formed the basis for additional supported housing projects that are currently in the planning stages.

1252. Originally enacted in 1959, *The Elderly and Infirm Persons' Housing Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/e020e.php) encouraged the development of non-profit housing for low-income seniors at a time when there was a perceived housing shortage for the elderly and no other government programs were available to encourage development. The Act provided a framework within which a municipal non-profit corporation could construct new, or renovate existing, housing to meet the needs of low-income elderly or infirm residents. Projects licensed under the Act were exempted from school taxes and were eligible for grant funding. As other housing programs and funding options became available, the grant program under the Act was discontinued.

1253. As the number of housing options for seniors increased, some projects no longer reflected the modest nature of seniors' housing originally intended for exemption from school taxes under *The Elderly and Infirm Persons' Housing Act*. The Act and its regulations were therefore amended, effective November 1997, to limit eligibility for licensing to projects with unit sizes that met modesty criteria. In this way, projects meeting these modesty criteria continue to qualify for school tax exemption, while more luxurious projects were required to pay the school tax portion of property taxes. These changes ensured the affordability of accommodation for low-to-moderate income seniors, while requiring seniors who could afford higher-end accommodation to contribute their share towards school taxes.

Spousal and child support

1254. During the reporting period, Manitoba continued to operate its government-run Maintenance Enforcement Program. The Program enforces support obligations at no cost to support recipients resident in Manitoba and, where the payor is in Manitoba, to support recipients resident in those jurisdictions with which Manitoba has a reciprocal enforcement arrangement.

1255. In 1995, comprehensive amendments to Manitoba's maintenance enforcement legislation were passed to allow the Maintenance Enforcement Program to take the following additional steps to remedy support default and collect support payments:

- suspend a defaulting payer's driver's licence or motor vehicle registration;
- garnish jointly held funds;
- garnish pension benefit credits.

1256. The amendments also increased the period of time garnishing orders remain in effect and increased the fines and potential jail sentences for those found by the Court to be in wilful default of support obligations.

1257. Manitoba actively participated in the national policy development work that led to the implementation of child support guidelines under the federal *Divorce Act* in 1997. Related child support guidelines amendments to *The Family Maintenance Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/f020e.php) and its regulations came into force June 1, 1998.

Tax credits

1258. In 1996, *The Income Tax Act of Manitoba* (see http://web2.gov.mb.ca/laws/statutes/ccsm/i010e.php) was amended to give couples "separated for medical reasons" the right to independently calculate refundable tax credits, enhancing the right to an adequate standard of living.

Legal Aid

1259. In 1999, Legal Aid Manitoba instituted a specialized Poverty Law Office to deal with legal issues that particularly affect poor people — such as welfare issues, pension disability law, residential tenancy issues, worker compensation and debtor/creditor matters. The new Office provides services to individuals and complements the Public Interest Law Centre, which continues to concentrate on representing groups and organizations in significant test cases.

Article 12: Right to Physical and Mental Health

Regional Health Authorities

1260. On April 1, 1997, *The Regional Health Authorities Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/r034e.php) came into force and the transfer of the responsibility for the administration and delivery of health services in Manitoba to 13 Regional Health Authorities began. Under the Act, the Province was divided into 12 health regions and 13 Authorities were established to assume responsibility in these health regions, with two Authorities sharing responsibility in the City of Winnipeg. In 1999, the two Winnipeg Authorities were amalgamated into one.

1261. Regional Health Authorities are required to assess the health needs in their health regions on an ongoing basis and prepare a regional health plan to meet the health needs. The Authorities are also required to deliver core services including hospital services, personal care services, home care, mental health services, prevention and community health services and other services.

1262. The Department of Health provides the Regional Health Authorities with regional population demographic information, as well as regional health utilization and health status information, to assist them in needs assessment and planning.

Mental health reform

1263. From 1995 to 1999, mental health reform continued. Participation of the Regional Health Authorities in this reform began in 1997. The redirection of resources away from a primarily hospital-based system to community resources continued. This period also saw an increased emphasis on consumers and family members participating in the planning of mental health services and the development of policies.

1264. Major mental health initiatives during the reporting period included the following.

- A new *Mental Health Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/m110e.php) was passed (1999).
- The Brandon Mental Health Centre was closed (1998).
- New acute beds were opened or planned for in the health regions including:
    - in Brandon, 25 acute psychiatric beds opened (1998), 10 Child and Adolescent beds opened (1998), a new Psychogeriatric Long Term Rehabilitation Unit (10 beds) opened (1999); a Psychogeriatric Rehabilitation Assessment Unit (12 beds) (1998);
    - in Dauphin, 10 beds opened (April 1998); and
    - planning continued for the opening of a 10 bed acute unit in Thompson and an 8 bed acute unit in The Pas.

- A new provincial 18 bed Forensic Unit opened at Selkirk Mental Health Centre in 1998.

- Mobile crisis units were developed to provide community-based assessment and intervention services to persons experiencing mental health crises. Units were implemented in Selkirk (1995), Dauphin (1995), Brandon (1997), Steinbach (1997) and Portage la Prairie (1998).

- Crisis stabilization units were developed to provide short-term, community-based treatment for persons experiencing mental health crises. Units were implemented in Selkirk in 1995 and in Brandon in 1997.

- A Safe House opened in Winnipeg in 1996 — operated by a non-profit organization directed by consumers.

- In 1999, the community based Clubhouse for mental health consumers opened in Winnipeg.

- Grant funding for mental health self-help was provided to the Canadian Mental Health Association, the Society for Depression and Manic Depression, the Manitoba Schizophrenia Society and the Anxiety Disorders Association of Manitoba to provide peer support and public education. In 1997, funding was provided for self-help in the North and South Eastman health regions, thereby establishing self-help resources in every health region in the Province.

- Funding was provided to the Partnership for Consumer Empowerment to provide education and information to consumers and service providers on empowerment and recovery.

- In 1998, the Selkirk Mental Health Centre re-organized its three specialized treatment programs to: Short Term Treatment and Rehabilitation, Extended Treatment and Rehabilitation and Community Preparation and Forensic Rehabilitation. Treatment services in all programs are now provided by multi-disciplinary treatment teams of psychiatrists, general practitioners, psychologists, social workers, occupational therapists, psychiatric nurses and recreational therapists.

- Psychologists were hired in the Norman, Thompson and Interlake/North and South Eastman health regions through the Rural Northern Psychology Training Program under the management of the Department of Clinical Psychology at the University of Manitoba.

- Original research on the needs of women with mental illness in Manitoba was undertaken and distributed throughout the Province.

- In 1997, training of new staff associated with mental health reform initiatives was completed throughout the Province, such as training for trainers in psychosocial rehabilitation, support workers and supported employment workers.

- Beginning in 1999, the Manitoba Adolescent Treatment Centre implemented the Child and Adolescent Community Mental Health Workers Training Program for workers across Manitoba.

- From 1995 through 1997, community-based multidisciplinary psycho-geriatric teams were funded and established for Winnipeg, Brandon, Parkland and in other areas of the Province. In Winnipeg, the team provided case management services to elderly persons with mental disorders, as well as their families. Services were targeted to elderly persons with significant mental illness, living in community settings with emphasis on those requiring assistance with case coordination.

- There was continued consultation with the Regional Health Authorities regarding psycho-geriatric service planning and coordination, including assistance with recruitment.

- Funding was provided for the education of psycho-geriatric team members.

- The Department of Health supported the ongoing development of the Provincial Psycho-geriatric Network.

1265. In 1997-1998, Manitoba established the Youth Emergency Crisis Stabilization System with funds redirected from the closure of Seven Oaks Centre (a reception facility used for high-risk children). The Youth Emergency Crisis Stabilization System was designed to provide a variety of mental health services, seven days a week, on a 24-hour basis, for adolescents in crisis and their families.

Health promotion and health care services

1266. In 1998, the Aboriginal Health and Wellness Centre was established as a three-year project in the City of Winnipeg to provide primary health services, education, outreach and community development.

1267. In 1998, the BabyFirst Program was implemented. The Program is designed to provide services to families living in conditions of risk who are at the prenatal stage or who have children up to three years of age. The mission of the Program is to reduce abuse and neglect of children. It emphasizes positive parenting, enhanced parent-child interaction, improved child health and development, and optimal use of community resources. The Program is primarily delivered by public health nursing staff of the Regional Health Authorities.

1268. In September of 1999, Manitoba's newly elected government identified investing in Manitoba's youngest citizens as one of its top priorities. In early 2000, the Premier created the Healthy Child Committee of Cabinet to develop and lead child-centred public policy across government, towards the best possible outcomes for all of Manitoba's children and youth.

1269. During the reporting period, free vaccine programs were expanded to include a second dose of measles vaccine for children, hepatitis B vaccine for children and pneumococcal vaccine for adults.

1270. Work on the development of a new *Public Health Act* continued.

1271. Between 1995 and 1997, the Manitoba Breast Screening Program was launched in the Province. It includes a physical breast examination and mammography every two years for all eligible Manitoba women aged 50 to 69 years of age. Sites were opened in Winnipeg, Brandon and Thompson, and mobile clinics were established throughout the rural and northern areas of the Province.

1272. Between 1996 and 1999, Community Nurse Resource Centres were established throughout the Province. The Centres provide nurse-managed primary health services, focussing on health promotion, education, disease prevention and clinical care. The first Centre was established in Winnipeg in 1996, followed by Thompson (1997) and Flin Flon, The Pas, Ethelbert and Pine River (1999).

1273. By 1999, three Primary Health Centres had been established in Sprague, St. Boniface and Oakbank. These Centres have a multi-disciplinary health service focus whereby citizens can obtain medical and nursing services, along with diabetes education, mental health counseling and health education.

1274. C.T. Scanner services became available in rural Manitoba for the first time in 1999, as a new scanner became fully operational at the Dauphin Regional Health Centre. Plans are underway to expand this service to other rural and northern communities in the Province.

1275. By 1999, nine Dialysis Outreach Centres were available outside the City of Winnipeg, in rural and northern Manitoba at Morden/Winkler, Brandon, Dauphin, The Pas, Flin Flon, Thompson, Portage la Prairie, Ashern and Pine Falls.

1276. *Supportive Housing* was established in the City of Winnipeg in 1996 and has been developing rapidly throughout Winnipeg and into rural Manitoba. Supportive Housing complements the existing Personal Care Home Program. Supportive Housing is defined as housing with care alternatives that provides personal support services and essential homemaking in permanent, grouped, community residential settings, for frail and/or cognitively impaired elderly persons; person with physical disabilities or other chronic conditions requiring extensive long term care and 24 hour on-site assistance.

1277. In 1997, *The Personal Health Information Act* came into force (see http://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php). This Act provides individuals with the right of access to their own personal health information and protects the confidentiality and privacy of personal health information maintained by "trustees," such as Manitoba government departments, regional health authorities, hospitals, physicians and other health care professionals.

1278. As a signatory in 1999 to the Social Union Framework, described in the Introduction to this report, Manitoba must ensure that no new barriers to mobility of health care are created, must eliminate any residency based policies or practices which constrain access to health care services and must submit annual reports on the implementation of the Framework. Upon review, the Department of Health found no residency-based policies or practices that constrain access to provincially-delivered health care programs and services in Manitoba.

Children with disabilities

1279. The period 1994 to 1999, saw many enhancements to Manitoba's services for children with disabilities. In 1995, a partnership involving the Departments of Family Services and Housing, Education and Youth, and Health was established to develop a Unified Referral and Intake System to support children who needed assistance performing special health care procedures when they were apart from their families and caregivers. This initiative has played an important role in enabling children with special health care needs to continue to live safely at home and to participate safely in school and in community programs.

1280. In 1998, Manitoba initiated the Provincial Outreach Therapy for Children project, which was designed to provide outreach therapy services to children with lifelong disabilities. The Initiative was delivered as a joint venture by the Society for Manitobans with Disabilities and the Rehabilitation Centre for Children. A consultative and collaborative approach to service provision was adopted whereby therapy could be provided at a child's home or school or in a childcare setting. The Initiative continues today, and services available through it include occupational therapy, physiotherapy and speech/language therapy for pre-school children in Winnipeg and in rural and northern Manitoba, as well as occupational therapy and physiotherapy services for some school-age children in rural and northern Manitoba.

1281. In 1999, an Interdepartmental Pediatric Therapy Group consisting of service providers, professionals, department representatives, parents and public stakeholders, was established to provide the Manitoba government with recommendations to improve the coordination of, access to and equity of therapy services for children throughout Manitoba. Details about the Group's recommendations, and implementation by Manitoba, will be provided in Canada's next report.

1282. In 1999, Manitoba, through its Children and Youth Secretariat, funded an Applied Behaviour Analysis pilot program which was delivered by St. Amant Centre. The Program is a widely recognized, research-based intensive behaviour intervention Program which, when implemented in the pre-school years, has been shown to be of significant benefit for many children with autism.

Healthy communities

1283. The Manitoba government, through the Recreation and Regional Services Branch, Department of Culture, Heritage and Tourism, supports the development of healthy people and healthy communities by:

- recreation, physical activity and wellness promotion;
- providing consultation and access to resources that support rural and northern communities in stimulating positive change and encouraging sustainable growth and improved quality of life; and
- providing access to programs, grants and resources in recognition of the unique and specific needs of rural and northern communities in partnership with other government branches, departments and agencies.

1284. The Recreational Opportunities Program provides financial assistance to 44 Recreation Commissions, comprised of 124 municipal governments and 31 school divisions/districts, to enable them to engage the services of recreation professionals and to develop a wide variety of recreation programs and services for residents of their communities.

1285. The Branch works with key partners such as the Manitoba Aboriginal Sport and Recreation Council, Aboriginal and Northern Affairs, Northern Manitoba Recreation Association, Sport Manitoba and the City of Winnipeg, to address barriers to opportunities for Aboriginal people to participate in sport and recreation.

Article 13: Right to Education

Primary and secondary education

1286. School enrolment in Manitoba increased from 224,069 students in the 1995-1996 school year to 231,662 in 1999-2000. The number of high school graduates increased from 10,771 in 1995-1996 to 11,174 in 1999-2000.

1287. A variety of languages are used in Manitoba schools. As of September 1999:

- 5,382 students were enrolled in "French as a first language" programs;
- 17,373 students were taking French immersion programs;
- 72,152 students were taking Basic French courses;
- 1,637 students were taking bilingual programs in German, Hebrew and Ukrainian; and
- 3,861 students were enrolled in heritage language courses (e.g. Hebrew, German, Ukrainian, Ojibway).

1288. The Department of Education and Youth supplies a consultant for English as a Second Language programs and for heritage languages.

1289. The Department of Education and Youth facilitates the development and implementation of curricula in Manitoba schools by providing learning resources, library services and access to global information. Multicultural library services and resources in the areas of Diversity and Equity Education, Spanish Language education, human rights education, English as a Second Language and Black History are also provided.

1290. In 1995, a commitment was made that curricular documents would address Aboriginal perspectives, gender fairness, appropriate age portrayals, human diversity and would use an anti-racist and anti-bias approach.

1291. In 1996, *The Public Schools Act* (see http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php) was amended to address schools of choice, parental involvement and the rights and responsibilities of students.

- "Schools of choice" allows parents and students to choose, generally without cost, a school other than the school designated by their school board.
- The amendments confirmed the Manitoba government's commitment to greater parental involvement in education by creating avenues for parental involvement in schools (such as parent councils).
- The amendments also outlined the fundamental rights and responsibilities of students. Students have the right to access their pupil files, to have their performance evaluated, and to be present (with representation) at an expulsion hearing. Students must comply with the school code of conduct, complete assignments and respect property.

Special needs and special education

1292. Government support for Special Education increased from $80.8 million in the 1995-1996 school year to $91.6 million in 1999-2000. These amounts represent Student at Risk and Special Needs Level I, II, and III funding. Special Needs Level III funding, for students with profound needs, increased from $9.8 million to $15.9 million in this time period.

1293. The Department of Education and Youth also funds the Manitoba School for the Deaf and other support programs for students with disabilities.

1294. In 1995, to ensure high quality education and training programs to enable Manitoba students to develop their individual potential and contribute to the economic, social and cultural life in Manitoba, several support documents were produced such as:

- *Towards Inclusion: A Handbook for Modified Course Designation, Senior 1-4* was produced to support implementing inclusive educational opportunities for Senior Years students with significant cognitive disabilities through curriculum modification.
- *Towards Inclusion: A Handbook for Individualized Programming Designation, Senior Years* was developed to provide information about implementing inclusive

educational opportunities for Senior Years students who require individualized programming within age-appropriate school and community environments.

1295. As discussed under Article 12, in March of 1995, the Departments of Family Services, Health and Education and Youth implemented the Unified Referral and Intake System to assist children requiring specific health care procedures to live safely at home and to participate to the fullest extent possible in community life, including school life.

1296. To facilitate the transition of children with special needs into school, several transition protocols were developed. Guidelines for Early Childhood Transition to School and Guidelines for Registration of Students in Care of Child Welfare Agencies were released in 1997.

1297. In 1998, the support document Individual Educational Programming was released to support a planning process whereby student needs are addressed in a systematic way.

1298. In 1998, the Early Literacy Intervention Initiative Grant began with an allocation of $2.7 million. The grant supports school divisions/districts in their efforts to provide early literacy intervention programs that will prevent literacy difficulties at an early stage before they begin to affect a child's educational progress.

1299. In December 1998, the Manitoba Special Education Review Report was released. The purpose of the Review was to make recommendations that would form the basis for improving the effectiveness and efficiency of education and school based services for children who require special education in order to strengthen learning opportunities and outcomes. The Special Education Review Initiative was initiated in 1999 to develop strategies to implement recommendations outlined in the Report.

1300. One outcome of the Special Education Review Initiative was the Early Behaviour Intervention: Learning and Behaving Initiative, announced in April 1999. This Initiative provides a formula grant to assist school divisions/districts to develop and implement effective and research based programming that provides for a continuum of services and supports for students experiencing learning difficulties due to behavioural problems.

1301. To facilitate the transition of children with special needs into the community, the support document Manitoba Transition Planning Process Support Guidelines for Students with Special Needs Reaching Age 16 was released in February 1999.

Aboriginal education and training

1302. The Aboriginal Education Directorate of the Department of Education and Youth is responsible for the inclusion of Aboriginal education and training in all departmental activities.

1303. Proportionally, Manitoba has the highest percentage of Aboriginal people among the ten provinces. Aboriginal people comprise 11.7 percent of Manitoba's population. Overall, 38.2 percent of Aboriginal adults aged 15 and over completed Grade 12 at the time of the 1996 census. This is up from 33.3 percent in the 1991 census.

1304. In 1997, the Aboriginal Education and Training Strategy was established with the goals of increasing the high school graduation rate among Aboriginal students, increasing the labour market participation of Aboriginal people, and strengthening partnerships with the Aboriginal community.

Francophone school division

1305. In 1993, *The Public Schools Act* of Manitoba was amended to create a school division governed by the francophone minority in Manitoba. The amendments provided the legislative framework for the establishment of a province-wide French language school division with responsibility for educational matters for children of Francophone parents.

1306. The Division, known as the Division scolaire franco-manitobaine, officially began operating at the start of the 1994-1995 school year. In September 1999, the Division provided French-language educational programs to over 4,300 students in 21 schools throughout Manitoba.

Post-secondary education and adult education

1307. College enrolments increased from 9,881 in 1995-1996 to 13,223 in 1999-2000. University enrolments declined from 42,292 in 1995-1996 to 38,890 in 1999-2000.

1308. All Manitoba public post-secondary institutions allow mature student entry, irrespective of formal secondary education, although persons who have not completed formal secondary school may be accepted subject to completing preparatory courses.

1309. As reported in Canada's Third Report, Manitoba's public post-secondary institutions continue to be publicly subsidized and Manitoba continues to extend opportunities for post-secondary education and training to persons from groups that have historically been under represented in post-secondary institutions (including persons of Aboriginal descent, recent immigrants and single parents).

1310. Manitoba Student Aid offers federal and provincial assistance to post-secondary students who are either Canadian Citizens or Permanent Residents. Program improvements during the reporting period included:

- a tuition freeze at Manitoba's public post-secondary institutions to 1999 levels;
- a continued 10 percent tuition rebate to students attending Manitoba's post-secondary institutions; and
- enhancements to the Student Aid financial needs assessment process, which allowed students to retain more scholarship and earnings income without their student aid awards being impacted.

1311. Enrolment in community based Adult Literacy programs increased from 1,700 students in 1995-1996 to 2,513 in 1999-2000.

Education initiatives of particular significance to women

1312. Historically, women have not been encouraged to develop their potential in math, science and technology related occupations. Despite the dramatic influx of women into the labour market and post-secondary training, they continue to be under-represented in high technology, community college training.

1313. In January 1995, the Manitoba Women's Directorate established the Training for Tomorrow Scholarship Awards Program. The Program provides fifty $1,000 scholarships each year for women for studies in math, science or technology programs at the Province's community colleges, to encourage women to consider the value of training in these areas, where high demand assures them of highly paid employment at the end of their training.

Learning tax credit

1314. The Manitoba Government introduced a Learning Tax Credit in the 1996 Budget. The 10 percent refundable tax credit reduced the income tax of eligible students or their supporting parents or spouses. By increasing disposable income, the tax credit made post-secondary education more affordable. As a result of increases to other tuition and education supports, the Learning Tax Credit rate was reduced from 10 percent to 7 percent in 1998.

Article 15: Right to Take Part in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

1315. The Department of Culture, Heritage and Tourism, through its Programs Division, the Manitoba Arts Council and the Manitoba Film and Sound Recording Development Corporation, continues to support and deliver a variety of programs which endeavour to:

- provide all Manitobans with access to the cultural life of the Province;
- contribute to the enhancement of training and employment opportunities for cultural workers in all disciplines;
- support the development of Manitoba's book publishing, film, television, sound recording, new/interactive media, visual arts and crafts industries;
- ensure province-wide access to public library services; and
- identify, preserve and protect Manitoba's heritage assets, including First Nations archaeological and burial sites.

1316. The Arts Branch administers programs which foster and promote access to arts activities at the community, regional and provincial levels, including rural and remote communities of the Province and those which reflect ethno-cultural heritage. The Branch has historically employed a Francophone Community Consultant and has recently added an

Aboriginal Consultant to its staff with responsibility for ensuring access to existing programs and the development of new programs to serve the unique needs of Manitoba's First Nations communities.

1317. The Branch's programs in support of Manitoba book publishers provide financial assistance for purposes of marketing, business development, professional skills upgrading and integration of new publishing technologies. Program eligibility criteria ensure the protection of authors' interests by requiring applicants to report royalties accrued and to sign a declaration attesting to payment. As well, the Branch co-administers three provincially sponsored literary awards which offer financial considerations to English-language and Francophone authors.

1318. The Branch manages the Provincial Art Collection and administers an Arts Purchase Program which annually expands the Collection through the purchase of works by Manitoba artists. As well, the Branch administers business development and marketing programs in support of Manitoba visual artists, craftspeople and galleries exhibiting and promoting Manitoba artists.

1319. The Manitoba government has identified development of a cultural labour force as a priority. In partnership with the arts and cultural community, the Branch has played a leading role in establishing the Arts and Cultural Industries Development Team, with a mandate to provide a blueprint for the development of a cultural work force that will place Manitoba at the leading edge as a producer of cultural product. The blueprint is intended to tap creative and technical potential across all cultural sub-sectors and to capitalize on, and integrate, Manitoba's diverse human cultural assets.

1320. The work of the Manitoba Arts Council, as described in Canada's Third Report, continues.

1321. The Manitoba Film and Sound Recording Development Corporation, established by legislation in 1998, has a mandate to develop, promote and foster the development of indigenous film/video and sound recording industries in Manitoba (*The Manitoba Film and Sound Recording Development Corporation Act* is available online at http://web2.gov.mb.ca/laws/statutes/ccsm/f054e.php). It provides grants and investments in support of the production and marketing of demo recordings, albums and CDs, and touring of musicians/recording artists; the development, production, promotion and marketing of indigenous and Canadian stories filmed in Manitoba, as well as support of emerging filmmakers, including, in particular, development of a strong Francophone and Aboriginal presence.

1322. The Public Library Services Branch works to bring libraries and related services to rural and remote areas of Manitoba through two major programs — the *Open Shelf Program*, where patrons choose books from the Branch's central collection, either by catalogue, mail, or on-line and receiving the books by mail and the *Travelling Library Program*, which provides a block of up to 500 books to a community for a period of about six months.

1323. The Recreation and Regional Services Branch provides a decentralized delivery system to rural and northern communities for the Department's funding programs and resources. Staff provide technical and consultative services from seven regional offices and numerous satellite offices. Regional offices provide community-based access to programs, grants and resources recognizing the unique and specific needs of communities. Municipalities, First Nations, school boards, agencies and organizations with the mandate to promote arts and culture, heritage, recreation, fitness, sport, libraries, tourism and community service can access this delivery service.

1324. Historic Resources Branch identifies, preserves and protects Manitoba's heritage assets, including First Nation's archaeological and burial sites in northern Manitoba. Of particular significance in the latter respect, is the Branch's 1990 agreement with Manitoba Hydro to identify, study and, where possible, preserve and protect archaeological and burial sites in northern Manitoba. The Manitoba Museum, the Nisichawayasihk Cree Nation, the South Indian Lake community, the University of Winnipeg's physical anthropology staff and the Department of Aboriginal and Northern Affairs have also been working with the Branch and Manitoba Hydro. In accordance with provincial policies, Branch staff are successfully recovering eroded and endangered burials, which, following analyses, are returned to the communities for reburial. The progress made, information and insights gained and benefits derived by Aboriginal communities are extensive and beyond measure. The understanding of the Aboriginal people who have lived in northern Manitoba also helps all Manitobans to gain a stronger sense of pride in our rich heritage.

Ontario

Introduction

Aboriginal people

1325. Ontario's *Aboriginal Policy Framework* (APF) was adopted in March 1996. The APF guides the Government's approach to Aboriginal affairs and was established to ensure that provincial policies, programs and services directed to Aboriginal people help create opportunities for employment and economic development, which will strengthen the self-reliance of Aboriginal communities.

1326. The APF is structured to:

- enable the government to address Aboriginal issues in a consistent, less costly and more effective manner;
- increase public involvement in Aboriginal matters that affect Ontarians; and
- minimize actions that could destabilize relations between Aboriginal and non-Aboriginal communities.

Additional information on the APF is available online, at www.nativeaffairs.jus.gov.on.ca/english/apf.htm.

1327. Consistent with the principles stated in its APF, Ontario has participated in self-government negotiations led by the Government of Canada. Ontario continues to assess and protect provincial interests in this process and continues to respect existing Aboriginal and treaty rights.

1328. In 1998, the Ontario government launched a new strategy, Building Aboriginal Economies, fulfilling a commitment made in the government's 1996 APF to develop an Aboriginal economic strategy. The strategy focuses on the creation of jobs and economic opportunities for Aboriginal people in order to build Aboriginal self-reliance over the long term. The strategy, a coordinated framework of more than 30 programs and services across 11 ministries, has four strategic directions: to remove barriers to economic development, to increase Aboriginal access to government programs and services, to increase partnerships between the Aboriginal community and the corporate sector, and to create opportunities.

1329. In addition, a new program under the strategy, entitled Working Partnerships, was initiated. Working Partnerships focuses on corporate Aboriginal partnership development and networking. Other programs, such as the Ontario Aboriginal Economic Development Program and the Ontario Aboriginal Capital Grants Program, provide financial and capital support for Aboriginal economic development.

1330. The Ministry of Economic Development and Trade (MEDT) created the post of Aboriginal Affairs Co-ordinator to ensure access by Aboriginal people to MEDT's programs and services relating to entrepreneurship development, business expansion and export readiness.

Transportation services

1331. The Community Transportation Action Program (CTAP), a joint initiative of the ministries of Transportation; Education and Training; Health; Community and Social Services; and Citizenship, Culture and Recreation was established in August 1996 with an original sunset date of September 1998. Its mandate was to remove legislative, regulatory, policy and administrative barriers that impede co-ordination of transportation services, and to provide support for communities to implement restructuring plans for existing transportation services. CTAP provided over $2 million in funding support for 59 community projects from 1996 to 1999. The Ministry of Citizenship, Culture and Recreation provided funding to encourage communities to provide community transportation initiatives and to increase access for people with disabilities.

International initiatives

1332. Beginning in 1996, the Ontario Human Rights Commission initiated a review of existing and new policy work to ensure that the Commission's work is informed by international standards. For example, the Commission's Policy on Female Genital Mutilation was introduced to respond to provisions under the *Convention on the Rights of the Child* that prohibit traditional practices that are harmful to children. Provisions in the *Convention on the Elimination of Discrimination against Women* set out equality rights of pregnant and lactating women and these rights are now being used in the Commission's Policy on Discrimination Because of Pregnancy.

1333. As part of its responsibility to promote human rights, the Ontario Human Rights Commission meets with delegates and visitors from around the world to discuss human rights issues. Many of these visits relate to the establishment or strengthening of human rights commissions, information-sharing and technical co-operation. During the reporting period 1994-1999, visiting delegates to the Commission included representatives from India, the Philippines, Norway, Vietnam, China, Sri Lanka, Japan, New Zealand, Northern Ireland, Greece, Burma and South Africa.

1334. In 1995, the Ontario Human Rights Commission was invited to participate as a member of a Canadian delegation to a conference on human rights education held in New Delhi, India. The Commission presented three papers on human rights education, policy function and investigative work. Subsequently, an exchange of staff was undertaken to further promote cooperation between the Ontario Human Rights Commission and the National Human Rights Commission of India.

Article 2: Rights Specifically Subject to Non-discrimination Provisions

Non-discrimination

1335. The Ontario Human Rights Commission (the Commission) is the statutory agency responsible for administering the *Human Rights Code* (the Code). The Code prohibits discrimination in the areas of services, goods and facilities, contracts, housing, employment and vocational associations. The Code protects individuals on several prohibited grounds of discrimination including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, handicap, receipt of public assistance and most recently, same-sex partnership status.

1336. The Ministry of Health and Long-Term Care Public Health Division's Mandatory Health Programs and Services Guidelines (December 1997) include a General Standard for Equal Access. The information is available on the Ministry's Web site. The goal of this standard is to ensure that all Ontarians have access to public health programs. Specifically, Requirement One necessitates, whenever practical and appropriate, that mandatory public health programs and services be accessible to people in special groups for whom barriers exist. Barriers may include, but are not limited to, literacy level, language, culture, geography, social factors, education, economic circumstances, and mental and physical ability. Requirement Two requires that, when planning to use facilities and sites for mandatory public health programs, the board of health shall select those which are barrier-free and have suitable access for special groups. Requirement Three obliges a board of health to establish ongoing community processes to identify needs, recommend approaches and monitor progress toward achieving access to the mandatory public health programs and services.

Same-sex partnership status

1337. In 1999, following a Supreme Court of Canada decision, the Ontario Government introduced legislation, which was subsequently passed into law, to provide protection to persons on the ground of same-sex partnership status. Bill 5, entitled *Amendments Because of the Supreme Court of Canada Decision in M. v. H. Act*, amended 67 Ontario statutes, including the *Human Rights Code*. Subsequently, the Commission released a public policy statement to inform the public of the equality of persons in Ontario regardless of sexual orientation and their same-sex partnership status.

Gender identity

1338. In 1999, the Commission released a discussion paper to ensure that the public is aware that transgendered persons are protected under human rights legislation on the ground of sex.

Public transit

1339. In 1999, the Commission initiated a review of the accessibility of Ontario's mass transit systems for persons with disabilities. In light of a 1997 Supreme Court of Canada decision, the Commission promotes an integrated approach to public transit as a basic social good or requirement. This means that public transit authorities should make conventional transit systems as accessible and barrier free as possible and where users are still unable to access these facilities, to provide other parallel transit options. In both cases, the standard is accommodation to the point of undue hardship.

Complaints process

1340. The Commission has made significant strides during the reporting period in shortening delays and in introducing alternative dispute resolution techniques. A new mediation system resolved 74 percent of cases successfully. Cases over three years of age constituted only 3 percent of the total caseload (as compared to 7 percent in 1994). The average case age in 1999 was about 14 months.

Public education

1341. The Commission has developed a strong promotional program for improving awareness of human rights and strengthening respect for human rights through recent publications (listed below). These were published by the Queen's Printer for Ontario and are available in alternative formats on the Commission's Web site and in legal publications (http://www.ohrc.on.ca/english/index.shtml).

- Guidelines on Special Programs (1997)
- Policy on Creed and the Accommodation of Religious Observances (1996)
- Policy on Discrimination and Harassment Because of Sexual Orientation (2000)
- Policy on Discrimination and Language (1996)
- Policy on Discrimination Because of Pregnancy (1999)
- Policy on Drug and Alcohol Testing (1996)
- Policy on Employment-related Medical Information (1996)
- Policy on Female Genital Mutilation (FGM) (1996)
- Policy on Gender Identity (2000)
- Policy on Height and Weight Requirements (1996)
- Policy on HIV/AIDS-Related Discrimination (1996)
- Policy on Racial Slurs and Harassment and Racial Jokes (1996)
- Policy on Requiring a Driver's Licence as a Condition of Employment (1996)
- Policy on Scholarships and Awards (1997)
- Policy on Sexual Harassment and Inappropriate Gender Related Comments & Conduct (1996)

1342. In addition, several plain language documents have been developed for anyone seeking general knowledge about basic concepts in the Code, or seeking guidance about how to apply human rights law in the workplace or elsewhere. As part of its public education mandate, the Commission provides information and assistance to over 1,000 employers, individuals, schools and other organizations every year. The advice includes areas such as: developing in-house anti-discrimination policies and practices; reviewing of job application forms and advertisements: and, developing special programs to enhance equality of opportunity for individuals and groups. These services are provided on request and are free of charge. Between 1997 and 1999, the Commission conducted two public awareness campaigns on sexual harassment on public transit facilities, in public outlets and Ontario businesses.

Article 6: Right to Work

1343. From September 1995 through to the end of 1999, 643,000 new jobs were created in Ontario; 198,000 of these jobs were created in 1999, and almost all of the gains were in full-time jobs. Employment increases have been broad-based, as jobs have been created in most sectors of the economy.

1344. Employment levels have risen from 90 percent in 1994 to 94 percent in 1999. Ontario's overall level of unemployment was 9.6 percent in 1994, dropping to 7.2 percent in 1998 and even further to 6.3 percent in 1999.

1345. The Ministry of Economic Development and Trade (MEDT) sponsored projects which encouraged best practices and increases in productivity. MEDT facilitates networking between CEOs of small, fast-growing firms to exchange experiences and ideas through the Wisdom Exchange and the Innovators Alliance. Through the Strategic Skills Investment, MEDT supported projects designed to accelerate the introduction of forward-looking skills development projects through collaborations between business and training providers.

1346. The Ministry of Northern Development and Mines continued to implement measures to promote economic development in Northern Ontario, enhance mineral sector competitiveness and ensure sustainable development of Ontario's mineral resources.

1347. Through the Northern Ontario Heritage Fund Corporation, over $230 million has been invested since 1996 in 670 projects which enhance the infrastructure, tourism and other key strategic business and community partnerships, helping to address regional disparities and to create jobs in Northern Ontario.

Women

Employment

1348. In 1999, 60.4 percent of women participated in Ontario's labour force, compared with 61.4 percent in 1990 and 58.1 percent in 1985.

1349. In 1998, women in Ontario made up 46.3 percent (2.8 million) of the labour force compared to 1988 when women accounted for 44.7 percent (2.4 million). Women accounted for 60.6 percent of Ontario's labour force growth between 1987 and 1999.

Unemployment

1350. In 1999, the unemployment rate for women was 6.4 percent; in 1993: 10.1 percent; in 1990: 6.1 percent; and in 1984, it was 9.2 percent.

Details of employment

1351. In 1995, Ontario women working full-year/full-time earned an average of 73.6 percent of men's average salary, up from 66.2 percent in 1990. In 1998, women working full-time earned an average of 72.3 percent of men's average salary. In 1995, approximately one quarter (27.8 percent) of Ontario women worked part-time.

1352. In 1998, 86 percent of women were employed in the service sector. Women dominated employment in the Health Care and Social Assistance industry (81 percent) and the Education services industry (64 percent). Women were strongly represented in the Finance, Insurance, Real Estate and Leasing and in Accommodation and Food Services (57 percent each). Overall, 22 percent of women were employed in the broader public sector, compared to 12 percent of men.

1353. In 1999, 85 percent of Ontario women were employed in the service-producing sector, of which 16 percent were employed in the trade sector. Within the trade sector, half of the workers were women. In 1999, 14.7 percent of women workers were employed in clerical occupations, with 35.3 percent of those employed in managerial occupations and 47.8 percent in professional occupations. Approximately 68.1 percent of the employees in clerical occupations were women.

1354. Among women, women of colour, Aboriginal women and women with disabilities are the most disadvantaged in terms of employment opportunities and income.

Young persons

1355. Information on Ontario youth (15-24 years of age) employment is presented below for 1984, 1989 and 1999. Total population in that age group and the information on its labour force participation is given by gender for each of the selected years (Table 1).

1356. The rate of participation in the labour force of young men was consistently higher than the participation of young women. In 1999, for example, 65.8 percent of young men participated in the labour force compared with 64.2 percent of young women.

Table 1: Estimates of Labour Force participation of Population 15-24 Years of Age, Ontario, 1984, 1989, 1999

		Population (000s)	**Labour Force (000s)**	**Employment (000s)**	**Participation Rate**	**Unemployment Rate**	**Employment/ Population Ratio**
1984	Males	833	164	518	73.7	15.6	62.2
	Females	800	560	489	69.9	12.7	61.0
	Total	1,634	1,174	1,007	71.8	14.2	61.6
1989	Males	770	589	539	76.5	8.4	70.0
	Females	740	536	499	72.4	6.9	67.4
	Total	1,511	1,125	1,038	74.5	7.7	68.7
1999	Males	762	502	431	65.8	14.0	56.6
	Females	733	471	413	64.2	12.2	56.4
	Total	1,495	972	845	65.0	13.1	56.5
Older Workers Labour Force Participation							
	45-64 yrs		65+ years				
1999	1,809,800		90,700				
1990	1,371,500		82,100				

Source: Statistics Canada, The Labour Force Survey.

1357. The Ministry of Agriculture, Food and Rural Affairs continued to administer the Rural Youth Job Strategy, a four-year $35 million program, that was designed to enhance the employable skills of rural youth and to develop opportunities for business in rural Ontario. Over $17.5 million was spent on 60 projects that supported the creation of 10,400 jobs for youth in rural Ontario.

Training

1358. In 1998-1999, 809 publicly funded secondary schools provided a wide variety of programs to 697,836 students.

1359. School boards must provide co-operative education programs and work experience to help students to acquire knowledge and skills, and to apply this learning in practical situations. Courses of all types and in all disciplines may be offered through the cooperative education mode. Co-operative education provides credits for work experience with business and industry partners. In 1998-1999, 657 schools enrolled 57,962 students in co-operative programs.

1360. In 1998-1999, 682 secondary schools offered technological education programs, and 265,686 students were enrolled in technology courses in broad-based areas — construction, communication, design, hospitality services, manufacturing, personal services, and transportation. In the same year, 412 schools enrolled 5,570 students in technology-related co-operative programs.

1361. Ontario supported distance-education programs for adult learners in areas not directly served by Colleges of Applied Arts and Technology. For example, the Contact North Network served over 130 northern Ontario communities. The courses combined self-study with audio or video-conferencing among students and teachers. Grants were provided to colleges and universities to encourage them to develop self-study distance-education instructional materials.

1362. In 1995, the government conducted a review of all programs of the Ontario Training and Adjustment Board (OTAB) to ensure consistency with the government's directions. As a result, the OTAB structure was dissolved in 1996 and programs and services were transferred to the Ministry of Education and Training.

1363. In 1999, responsibility for the administration and delivery of labour market adjustment programs was transferred to the Ministry of Training, Colleges and Universities (MTCU). MTCU supports the delivery of programs and services that:

- prepare unemployed individuals, particularly youth, to enter or re-enter the workforce;
- help students find summer employment;
- provide literacy and basic skills upgrading to assist entry and re-entry into the workforce;
- provide apprenticeship training and services to support skills training;
- provide assistance to workers facing business closures or other significant workforce adjustments;
- help newcomers adapt to Ontario's labour market;
- provide policy, planning, research and evaluation support on labour market and training matters.

Access to training and employment

1364. The Access to Professions and Trades Strategy includes the following initiatives:

- providing prospective and landed immigrants comprehensive, up-to-date information on "entry-to-practice" requirements and labour market conditions for regulated professions;
- an academic credential assessment service;
- working with professional bodies to develop prior learning assessment tools to recognize the skills and experience of foreign-trained professionals.

1365. Equity considerations have influenced programs delivered by Ontario colleges. However, data on participation by race, colour, sex, religion and national origin is not currently available.

Distinctions not considered discriminatory

1366. Under the Constitution Act, 1867, Roman Catholics in Ontario are guaranteed continuation of the education rights they had by law at the time of Confederation. At the time of the extension of public funding to all grades of the Roman Catholic school system, Roman Catholic school boards were required to consider all applicants for employment and promotion in its secondary schools. The constitutionality of this requirement was considered by the courts, which held that this requirement was unconstitutional, and therefore of no force and effect.

Ontario Human Rights Commission

1367. Between April 1994 and March 1999, 73 percent of all complaints to the Commission were in the area of employment. As a result, the Commission prepared a new publication for employers entitled Human Rights at Work (1999) which was distributed throughout the province.

Equality of opportunity and treatment in employment

1368. During the reporting period, special measures to integrate women, Aboriginal persons, persons of colour and persons with disabilities into some workplaces are still permitted, on a voluntary basis, under section 14 of Ontario's *Human Rights Code*. The Commission revised and updated its interpretive Guidelines on Special Programs in 1996 in order to reflect the new legislative environment.

1369. Ontario adopted the Equal Opportunity Plan, which recognizes that removing barriers to opportunity is essential. The approach to fairness in the workplace is merit-based, inclusive, voluntary and built on partnership. The plan encourages employers, employees and government to co-operate in creating workplaces where merit is the basis for employment practices. The foundation for the Equal Opportunity Plan is the *Human Rights Code*, under which discrimination is against the law.

Article 7: Right to Just and Favourable Working Conditions

Minimum wages

1370. A system of minimum wages has been established in Ontario. Protection dates from 1920.

1371. Some of the groups excluded from the application of minimum wages and reasons for their exclusion include:

- qualified professionals: they generally enjoy a strong bargaining position and have indicated a desire to remain exempt;
- students who instruct or supervise children: their work provides them with teaching experience, and coverage would increase program costs and may lead to their elimination;
- farm workers: there are considerable uncertainties in farming due to seasonal factors and farmers have little control over the market price of their products. Job losses may result if farmers are unable to pass on incremental labour costs to consumers.

1372. Minimum wages are required to be paid under the *Employment Standards Act*, and rates are set by regulation. The minimum wage is adjusted periodically to reflect declining purchasing power of low-wage workers, loss of their position relative to wage gains of workers generally, and changing minimum wage rates in other jurisdictions.

1373. The general minimum wage in Ontario as of October 1, 1989 was $5.00. It was raised to $5.40 on October 1, 1990. As of January 1, 1995, it was $6.85. The minimum wage increased by 37 percent from 1989 to 1995.

1374. The *Employment Standards Act* sets out the procedures for the administration and enforcement of its provisions. It is administered by the Employment Practices Branch and Employment Standards program staff in the field offices of the Operations Division, Ministry of Labour. Where there is a finding of a violation of the Act, an Employment Standards Officer will issue a Notice of Contravention or an Order to Pay. An employer or an employee can appeal a decision of an Employment Standards Officer. The Ontario Labour Relations Board provides adjudication of an appeal of an Employment Standards Officer's decision.

Equal pay

1375. Infringements of the principle of equal pay for equal work are addressed in the *Employment Standards Act*. This protection has been in effect since 1951. Provisions under the *Employment Standards Act* require that female employees receive the same rate of pay as male employees for substantially the same work, performed under the same working conditions. In addition to protection under the *Employment Standards Act*, infringements of the principle of equal pay for equal work are addressed in the *Pay Equity Act* (PEA). This protection has been in effect since 1988. The PEA requires that women receive equal pay for work of equal or comparable value.

Occupational health and safety

1376. During the reporting period, there have been no significant changes to Ontario's *Occupational Health and Safety Act* (OHSA).

1377. OHSA legislation continues to be enforced through proactive workplace inspections, the issuance of orders where non-compliance is found and through prosecutions. Inspections tend to target workplaces with poor occupational health and safety records or those where particularly hazardous types of work are carried out.

1378. Ontario's occupational health and safety legislation does not apply to the following: farming operations; work done in the private home, by owner or occupant, or by servant of owner or occupant; workplaces under federal jurisdiction (which are covered under the *Canada Labour Code*).

1379. Statistics on the number and frequency of occupational injuries and illnesses in Ontario, for the period 1989 to 1998, can be found in tables 2, 3 and 4.

Table 2: Total number of occupational fatalities and injuries

YEAR	FATALITIES	INJURIES
1989	307	200,967
1990	269	184,444
1991	332	155,475
1992	275	136,940
1993	292	125,122
1994	247	125,644
1995	253	118,814
1996	241	103,080
1997	226	101,806
1998	246	97,190

Note: In Tables 2 and 4, the injury data relate to injuries where there is time lost from work. The yearly fatality totals in Table 2 include worker deaths from an occupational disease; worker deaths from a traumatic accident; and, the deaths of workers receiving a 100 percent permanent disability pension.

Table 3: Occupational Fatalities

YEAR	DISEASES	ACCIDENTS	PENSIONS	TOTAL
1989	87	159	61	307
1990	77	147	45	269
1991	120	146	66	332
1992	109	109	57	275
1993	111	100	81	292
1994	85	76	86	247
1995	103	76	74	253
1996	83	82	76	241
1997	94	64	68	226
1998	91	88	67	246

Note: The fatality totals are separated into these three categories in Table 3 to provide information about the causes of occupational fatalities.

1380. Trends related to occupational fatalities include: long-term decline in total number of fatalities per year; long-term decline in number of fatalities as a result of traumatic accidents; and no discernible trend in number of fatalities as a result of occupational disease.

Table 4: Frequency of Injuries

YEAR	LOST-TIME INJURY RATE (per 200,000 hours)
1989	4.0
1990	3.6
1991	3.3
1992	2.8
1993	2.7
1994	2.6
1995	2.5
1996	2.2
1997	2.1
1998	1.8

1381. Table 4 indicates a trend towards a long-term decline in injury frequency. Since 1995, there has been an average yearly reduction of 6 percent in the lost-time injury rate.

Rest and leisure

1382. Under the *Employment Standards Act*, retail workers are specifically entitled to at least 36 consecutive hours of rest in every seven-day period, with some limited exceptions. The *One Day's Rest in Seven Act* states that employees working in a hotel, restaurant or café in a municipality of 10,000 or more must be given at least one day off in any seven-day period.

Reasonable limitations of working hours

1383. Generally, the *Employment Standards Act* provides that maximum hours of work are eight in a day, and 48 in a week, with overtime beginning after 44 hours in a week, with some exceptions.

Periodic holidays with pay

1384. Employees who have worked for 12 months with the same employer qualify for two weeks of vacation per year. They are paid vacation pay of at least 4 percent of the total wages earned during the 12 months of qualifying employment.

Remuneration for public holidays

1385. Under the *Employment Standards Act*, there are eight public holidays. Employees must meet five conditions to qualify for a paid public holiday.

Vacation with pay

1386. The *Employment Standards Improvement Act* of 1996 (the 1996 Amendments) clarified the following:

- the length of employment to calculate vacation includes inactive employment;
- each employee is entitled to two weeks of vacation upon the completion of 12 months of employment; and
- employers must pay vacation pay equal to not less than 4 percent of the employee's wages during the 12 months for which the vacation is given.

Pregnancy/parental leave

1387. The *Employment Standards Improvement Act* of 1996 provides that the period of pregnancy/parental leave is included in the length of employment, service or seniority.

Termination notices and pay

1388. The *Labour Relations and Statute Law Amendment Act* of 1995 deemed a termination by operation of law due to bankruptcy or other insolvency to be a termination by an employer. The 1996 Amendments provided that termination pay is due within seven days after termination

Remedies

1389. The *Employment Standards Improvement Act* of 1996 provides that, as a general rule, an employee must choose between filing a complaint under the Act and commencing a civil action against his or her employer for the same matter.

Collective agreements and the Employment Standards Act

1390. The *Employment Standards Improvement Act* of 1996 provides that if an employer enters into a collective agreement, the Act is enforceable against the employer as if it were part of the collective agreement. However, subject to the Director's discretion to permit otherwise, an employee to whom a collective agreement applies must seek enforcement of the Act through the applicable grievance procedures in the collective agreement.

Sexual harassment

1391. In 1998, the Ontario Human Rights Commission introduced a new procedure to help victims of sexual harassment identify situations of violence and refer them to appropriate community services, including the police.

Insurance

1392. The Ontario Human Rights Commission released a discussion paper in October 1999 and undertook consultations on human rights issues in insurance.

Article 8: Trade Union Rights

Restrictions on trade union rights

1393. The right of trade unions to exist is guaranteed under section 2(d) of the *Canadian Charter of Rights and Freedoms* (Charter), which establishes freedom of association as a constitutional right. This right is reinforced in Ontario by the *Labour Relations Act*, 1995 (LRA), which governs collective bargaining and labour relations in most workplaces in Ontario. Section 5 of the LRA states that every person is free to join the trade union of his or her choice and to participate in its lawful activities.

1394. The Ontario Labour Relations Board (OLRB) determines whether an organized group of employees constitutes a trade union within the meaning of the Act. In order to obtain status as a trade union, the organization of employees requires:

- A written constitution which sets out the purpose of the organization (one of which must be the regulation of labour relations), the procedure for electing officers, and the procedure for calling meetings.
- Formal ratification of the constitution by its members.
- Election of officers pursuant to the constitution to administer and represent the union.

1395. A second method of obtaining trade union status is to have the organization of employees apply to a parent union for a charter as a "local." This charter will indicate that the local will adhere to the constitution of the parent. The parent must then demonstrate to the Board that the charter has been properly issued to the local in accordance with its constitution.

Acquiring bargaining rights

1396. If an organization of employees has trade union status, it can become the bargaining agent for those employees by either voluntary recognition or certification. Voluntary recognition occurs where an employer recognizes, in writing, the trade union as the exclusive bargaining agent for the employees in a defined bargaining unit. Certification occurs where the trade union receives the majority support of affected employees in a secret ballot vote. To obtain a vote, the union must show the support of 40 percent of affected employees.

1397. The *Economic Development and Workplace Democracy Act*, 1998 (EDWA) amended the *Labour Relations Act* (LRA) by removing the Ontario Labour Relations Board's (OLRB) ability to automatically certify a union, despite a negative worker vote, where the employer has contravened the LRA. EDWA amended the LRA (section 11) to enable the OLRB to take measures to ensure that a fair secret ballot takes place where the employer has contravened the LRA; and to enable the OLRB to do anything to ensure that a new representation vote, ordered under this section, reflects the true wishes of the employees in the bargaining unit.

1398. EDWA also amended the LRA to allow employers to disagree with the trade union's estimate of the number of individuals in the bargaining unit in its certification application (section 8.1). If the employer disagrees with the union's estimate, it provides the OLRB with notice of its disagreement. The OLRB is then authorized to order that the ballot box for the representation vote be sealed or dismiss the application for certification. If the OLRB does not dismiss the application, it will determine whether the description of the bargaining unit in the certification application is appropriate for collective bargaining. If it disagrees with the description, it may determine the unit, which is appropriate, and then determine the number in that unit. If less than 40 percent of individuals in the proposed unit are union members, the Board will direct that the ballots be destroyed. If 40 percent or more of the individuals in the proposed unit are union members, the Board will order the ballot box to be counted and either certify the union or dismiss its application.

LRA exclusions

1399. As stated in Ontario's 1998 report on ILO Convention 98, police collective bargaining is regulated by two statutes: the *Public Service Act* (provincial police) and the *Police Services Act* (municipal police). Both acts contain provisions, which allow for the resolution of collective bargaining disputes by binding arbitration. The Ontario Provincial Police Association, which represents 4,600 members, bargains on behalf of the Ontario Provincial Police. The approximate 19,600 municipal police in Ontario are represented either by the Police Association of Ontario, or local police associations such as the Toronto Police Association.

1400. The LRA excludes agricultural workers, domestic workers, and professionals (including labour mediators and conciliators) from its collective bargaining regime. However, they are free to form professional associations outside the collective bargaining regime of the LRA. The rationale for the exclusion of agricultural workers and domestic workers from the LRA is that their unique work structures are incompatible with the collective bargaining regime in the LRA. The agricultural sector, in particular, is characterized by a high incidence of family ownership structures which are incompatible with the collective bargaining regime of the LRA.

1401. The repeal of the *Agricultural Labour Relations Act* (ALRA) by the LRA is the subject of an ILO complaint by the Canadian Labour Congress and a domestic appeal by the United Food and Commercial Workers Union, which argued that the repeal contravened the freedom of association provision of the Charter. The Ontario Court of Appeal dismissed the appeal on January 26, 1999. The Supreme Court of Canada subsequently held that section 3(b) of the *Labour Relations Act*, 1995 (LRA) is unconstitutional to the extent that it excludes agricultural workers from the protective framework of the Act.

1402. The *Education Quality Improvement Act*, 1998 (EQIA) excludes principals and vice-principals from inclusion in teachers' bargaining units and the collective bargaining regime of the LRA. However, the EQIA does not prohibit the province's 7,398 principals and vice-principals from forming and joining professional associations outside the framework of the LRA. Three provincial associations of principals and vice-principals have already been established and are actively involved in discussions with school boards concerning conditions of employment.

1403. The *Ontario Works Act*, 1997 (Bill 22) which includes a requirement for participation in community services, prohibits participants from joining trade unions and engaging in collective bargaining under the LRA. However, it does not deny freedom of association to community activity participants because they continue to have the right to form associations and organize outside of the framework of the LRA. Bill 22 is the subject of an ILO complaint by the Canadian Labour Congress. In response to this complaint, the ILO's Committee on Economic, Social and Cultural Rights requested that the province amend the legislation to grant community participants the right to organize.

1404. The *Fire Protection and Prevention Act*, 1997 (FPPA) governs labour relations for firefighters. Part IX of the FPPA requires that collective bargaining disputes be resolved through binding arbitration. Volunteer firefighters are not covered by Part IX of this legislation. They are entitled to organize under the LRA, provided that they meet the definition of "employee" under the LRA. As such, there is no prohibition on their forming an organization of volunteer firefighters to negotiate working conditions with the employer outside the framework of Part IX of the FPPA. There are approximately 17,000 volunteer firefighters (representing approximately 80 percent of the total number of firefighters), who are subject to this exclusion.

Right of trade unions to federate and join international trade organizations

1405. Ontario legislation does not prohibit trade unions from federating and joining international trade unions. The definition of trade union within the LRA includes an international union or a federation/council of unions.

1406. The sole restriction placed on this activity by the LRA is where an international union places a local under trusteeship. In this case, the LRA requires that the international union file with the OLRB, a statement specifying the terms under which control is to be exercised, and any additional information, which the Ministry of Labour may require. The period of trusteeship is limited to 12 months and subject to renewal by the Board.

Ability of trade unions to function freely

1407. Freedom of association, which includes the right to join a trade union of one's choice, is a constitutionally guaranteed right. Section 5 of the LRA establishes the legality of trade union membership and participation in its lawful activities.

1408. Section 2 of the *Ontario Rights of Labour Act*, R.S.O.1990, states that a union or its acts cannot be deemed to be unlawful solely because its activities are in restraint of trade.

Limitations on ability of trade unions to function freely

1409. The LRA regulates trade unions by requiring that they:

- Furnish financial statements to their members upon request (section 90);
- File a copy of their constitution, by-laws, and the names and addresses of officers upon the direction of the OLRB (section 91);
- Refrain from counselling, supporting, encouraging, or threatening an unlawful strike;
- Refrain from intimidation or coercion of employees in order to recruit members; prevent their exercise of rights/obligations under the LRA; or cease their membership in a trade union or employer's organization;
- Obtain the support of 50 percent or more of their members through a secret ballot before engaging in a lawful strike (section 79(3))
- Owe a duty of fair representation to their members (section 74).
- Owe a duty of fair referral to their members where they refer members to employment (section 75).

1410. The *Public Service Act*, which governs Crown employees, limits the issues negotiable in collective bargaining in a number of areas. (These are listed in paragraph 2 of section 6 of the Ontario Report on ILO Convention 98.)

1411. Statutes setting out interest arbitration regimes (the IPPA, *Public Service Act*, *Police Services Act*, *Hospital Labour Disputes Arbitration Act*) set out criteria which must be considered by interest arbitrators in making awards.

1412. In 1995, the successor rights provision under the *Crown Employees Collective Bargaining Act*, 1993 (CECBA) was repealed. The sale of a Crown business effectively terminates the bargaining rights of the certified union and the collective agreement in operation at the time of sale. However, transferred employees are free to re-certify under the LRA.

1413. Section 25 of CECBA states that all designated bargaining units of employees covered by the Act are deemed to be one bargaining unit, covered by a central agreement, which governs: dispute resolution, employment security and mobility, prohibitions against discrimination, pensions, long term disability insurance, benefits, wages (with the consent of parties), and any other matters which the parties may agree upon. Furthermore, the bargaining agents representing each of the designated units are deemed to be a certified council of trade unions and are governed by the central agreement.

Measures taken to promote free collective bargaining

1414. The *Labour Relations Act* promotes workplace democracy by:

- Requiring every collective agreement to contain a recognition provision (section 45(1)).
- Requiring a mandatory ratification vote of any proposed agreement or memorandum of settlement (section 44(1)). This ensures that the ratification of the agreement is democratic.
- Preserving the bargaining rights of the certified union of the predecessor employer where a business is sold to a successor employer (section 69).
- Protecting unions from employer interference (sections 70, 73, 76).
- Prohibiting use of professional strikebreakers (section 78).
- Prohibiting employers from engaging in strike misconduct (section 78).
- Prohibiting employers from discriminating against any employee for exercising his or her rights under the LRA and requiring employers to reinstate employees engaged in a lawful strike within six months of the commencement of the strike (section 80) upon their application for reinstatement.
- Requiring a mandatory strike vote before permitting trade unions from engaging in a lawful strike. The vote requires the approval of 50 percent or more of the union constituency. This ensures that a mandate to strike is democratic.

Structure of trade unions

1415. There are approximately 145 trade unions and professional associations in Ontario.

Right to strike

1416. The right to strike is a legal and statutory right under the *Labour Relations Act*. The Act permits trade unions to strike if there is no collective agreement in operation and 14 days have elapsed after the exhaustion of conciliation procedures.

1417. Since 1995, trade unions are also required to conduct a secret ballot strike vote in order to obtain a valid strike mandate from their members. A successful strike mandate requires the support of over 50 percent of the union members voting.

1418. Strikes and lockouts are prohibited in the fire services, hospital and police services sectors because the continuous delivery of services in these sectors is essential to public safety. Unresolved disputes in these sectors are settled by third party interest arbitrators or arbitration boards.

1419. Specifically, section 42(1) of the *Fire Protection and Prevention Act* (FPPA) prohibits firefighters from engaging in a strike. Approximately 9,000 full-time firefighters are subject to this prohibition.

1420. Section 11(1) of the *Hospital Labour Disputes Arbitration Act* (HLDAA) prohibits hospital and nursing home employees from engaging in a strike. Approximately 160,581 hospital and nursing home employees are subject to this prohibition.

1421. Section 75 of the *Police Services Act* prohibits municipal police from engaging in a strike. The *Public Service Act* explicitly excludes provincial police from the right to strike provisions. Approximately 6,000 provincial police and over 19,600 municipal police are subject to this prohibition.

1422. Under the *Crown Employees Collective Bargaining Act* (CECBA), trade unions and employers are required to negotiate an essential services agreement before engaging in a strike or lockout (section 3). Under this agreement, the union and employer designate employees who will be required to work during a legal strike or lockout to ensure the delivery of essential services. The designated employees are, therefore, prohibited from participating in a strike (section 39(3)).

1423. Either party to the collective agreement has recourse to the Ontario Labour Relations Board if it feels that the essential services agreement has prevented meaningful collective bargaining (section 42(1)).

1424. No restrictions are imposed by the police or armed forces on the rights enumerated in Article 8 of the Covenant.

Article 9: Right to Social Security

1425. The *Social Assistance Reform Act*, 1997, created two separate statutes, the *Ontario Works Act* (OWA), 1997, and the *Ontario Disability Support Program Act* (ODSPA), 1997. The OWA was proclaimed May 1, 1998, replacing the *General Welfare Act* (GWA). ODSPA was proclaimed June 1, 1998. People with disabilities and permanently unemployable people under the *Family Benefits Act* were transferred to the Ontario Disability Support Program on June 1, 1998. Sole-support parents under FBA have been transferred to Ontario Works.

1426. Ontario Works provides employment assistance and financial assistance to eligible persons in temporary financial need. The municipalities and First Nations communities deliver Ontario Works. Basic assistance and benefits are cost-shared with Consolidated Municipal Service Managers and First Nations Delivery Agents. The Government of Canada covers the 20 percent First Nations share.

1427. The Ontario Disability Support Program (ODSP) provides income and employment supports to people with disabilities. The province delivers ODSP and the program is cost-shared with municipalities at a rate of 80/20.

1428. The following tables provide statistics with regard to those in receipt of income and employment support under the Ontario Disability Support Program (ODSP) and Ontario Works (OW). The figures provided are for the 1998-1999 fiscal year ending March 31, 1999.

Table 5: Ontario Works Basic and Shelter Rates

	Basic Needs	Shelter Allowance	Total
Single Person	$195	$325	$520
Couple	$390	$511	$901
Couple + 1 Child	$476	$554	$1030
Couple + 2 Children	$576	$602	$1,178
Single + 1 Child	$446	$511	$957
Single + 2 Children	$532	$554	$1,086
Single + 3 Children	$632	$602	$1,234

Note: All children are aged 12 and under. Basic rates are for renters and owners.

Table 6: Social Assistance Rates: A comparison of social assistance rates across Canada for selected jurisdictions and case types follows (in order by single person rate)

Province	Single	Single + 1 Child (under 12)	Couple + 2 Children (1 under and 1 over 12)
ONTARIO	$520	$957	$1,214
British Columbia	$504	$937	$1,132
Québec	$490	$753	$953
Nova Scotia	$365	$880	$1,165
Saskatchewan	$462	$746	$1,069
Manitoba	$446	$803	$1,171
Prince Edward Island	$443	$831	$1,247
Alberta	$397	$810	$1,230
New Brunswick	$264	$731	$819
Newfoundland	$92	$943	$1,005

Source: "Welfare Incomes 1999." National Council of Welfare, autumn, 2000

1429. Ontario Works earn back (also called the flat rate exemption or the basic earnings exemption) allows recipients to "earn back" the difference between the rates in effect before October 1995 and after October 1995 without a reduction in their assistance. Other earnings exemptions, including deductions for childcare expenses, are available for income earned above the earn-back amount.

Table 7: Ontario Works Earn Back

Selected Ontario Works Case Type	Earn Back Amount
Single person	$143
Couple	$249
Single parent with one child	$275
Single parent with two children	$321

1430. In addition to monthly financial assistance, both ODSP and Ontario Works provide a number of benefits including:

- drug benefits, dental and vision care, costs associated with assistive devices, diabetic supplies, surgical supplies, dressings, and medical transportation;
- a back to school allowance and a winter clothing allowance for dependent children;
- earning exemptions that allow for the retention of a portion of earned income and exemption for training allowances and deductions for certain employment expenses such as child care;
- reimbursement or advance payment of child care costs;
- the provision of employment assistance to help recipients get a job;
- an "Employment Start-Up Benefit" for appropriate clothing, shoes and other supplies to assist a person when beginning employment assistance activities and employment;
- a "Community Start-Up Benefit" for those who are dislocated and/or who are setting up an independent residence within a community; and
- a special diet benefit.

1431. The Ontario Works program has an over-riding objective to assist people to become financially independent by the shortest route to employment based on the individual's skills, experience, needs and circumstances. The government's commitment includes an investment in new and innovative programs to help people become independent. The government is committed to link welfare with work and education, as well as special programs for children in need.

1432. Ontario's welfare offices were re-oriented toward connecting recipients with work or training leading to employment. In addition, the province continues to provide support programs and services for people on social assistance with specialized employment needs, to help them find work and get the skills they need to move into the workforce.

1433. Social assistance rates are calculated to meet the basic needs of individuals and families in Ontario. On average, Ontario rates are 10 percent higher than those of other provinces. An allowance is calculated based on individual circumstances to meet the basic food, clothing and shelter needs of recipients.

1434. The government is committed to ensuring that people in need receive adequate benefits and encourages recipients to work by allowing earnings exemptions under the Supports to Employment Program, including higher exemptions for families with children.

1435. The Ontario Disability Support Program (ODSP) is an income support program outside of the welfare system for people with disabilities. The ODSP helps people with disabilities on a voluntary basis to get and keep a job, and provides access to supports, items and services that are needed for employment. ODSP provides for a centralized adjudication process with fair eligibility criteria for disability.

1436. Rates for single persons receiving ODSP are 47.8 percent above the average of other provinces. ODSP recipients can work while retaining a portion of their employment earnings and can continue to receive ODSP income support. The government has enhanced support and services to employment by introducing the Employment Supports Program under the ODSP through which employment supports, required by people with disabilities to become self-sufficient, are available.

Employment injury benefits

1437. With the passage of Bill 99, the *Workers' Compensation Act* was repealed and a new *Workplace Safety and Insurance Act* (WSIA) came into force on January 1, 1998. The Workers Compensation Board was renamed the Workplace Safety and Insurance Board (WSIB).

1438. Approximately two thirds of Ontario's working population is covered under the WSIA. The WSIB remains a publicly administered, compulsory system, where employers bear the costs based on a collective liability or insurance scheme.

1439. The major changes to workplace insurance benefits brought about through Bill 99 include:

- the level of benefits was changed from 90 to 85 percent of pre-injury net earnings;
- a modified inflation indexing formula was adopted for most injured workers: half of the Consumer Price Index, minus 1 percent, with a cap of 4 percent. Full inflation protection is preserved for those who are 100 percent disabled, and surviving spouses;
- compensation is continued for chronic pain, while an independent scientific study into chronic pain is undertaken;
- workers must apply for benefits within six months of the date of injury and consent to the release of information to the employer about the worker's functional abilities;
- workers and employers must make and maintain contact during the recovery period and co-operate in return-to-work efforts;

- injured workers who are unable to return-to-work with their pre-injury employers will be assessed for a market re-entry plan, designed to assist them in finding alternate employment.

Regarding poverty among single mothers and children

1440. The government announced a start-up funding of $5 million for a provincial child nutrition initiative to help parents and groups set up or expand local nutrition programs. The Ministry of Health and Long-Term Care Public Health Division's Mandatory Health Programs and Services Guidelines (December 1997) include a program standard for Chronic Disease Prevention. Under this standard the board of health is required to "work with community agencies and groups to promote access to sufficient, safe, nutritious and personally acceptable food for people of all ages. This shall include as a minimum:

- monitor, annually, the cost of a nutritious food basket according to the Ministry of Health Monitoring the Cost of a Nutritious Food Basket Protocol (June 1, 1998). Information about the cost of a nutritious food basket is to be used on an ongoing basis to promote and support policy development to increase access to healthy food;
- develop and disseminate an inventory of local programs and services which increase access to healthy foods. The inventory shall be updated annually;
- work with community agencies and groups to improve access to healthy foods on an ongoing basis; and
- promote and provide consultation and training sessions to community agencies and groups that are involved in increasing access to healthy foods on an ongoing basis."

1441. Other supports to children in need include coverage for dental care, vision care and some prescribed drugs. Additional supports include back to school allowances, winter clothing allowances and allowances for special diets, where required.

1442. The Ontario Ministry of Health and Long-Term Care Public Health Division's Mandatory Health Programs and Services Guidelines (December 1997) includes a Child Health program. The fourth objective of the program is "to increase access to and the use of needs-based services and supports for children who are at risk of poor physical, cognitive, communicative, and psychosocial development and their families." Six Requirements and Standards of the Child Health program directed at local boards of health deal with dental services. They include a variety of education, skills development and consultation services, the Children In Need Of Treatment (CINOT) dental program, monitoring water fluoridation where fluoride is added to the water supply, oral health screening, and clinical preventative services.

1443. The government understands that quality childcare is important not only to build strong families, but also to build economic growth. For many Ontario families, childcare is an important resource that helps parents balance the challenges of work and family. Ontario now spends over $700 million on childcare — the highest level in the history of the province.

1444. Childcare fee subsidies provide financial assistance towards the cost of licensed childcare for parents deemed to be 'in need' and parents of children with special needs. Eligible parents with school-age children may receive fee subsidies for approved recreation programs. Fee subsidies are also available to parents on social assistance who are participating in activities such as education, training, or employment, and may be used towards the cost of licensed or informal childcare. The Learning, Earning and Parenting program provides child care funding and other supports, targeted to teen parents on social assistance to help them finish school and give their children a better start in life.

1445. Lack of adequate housing is not included in Ontario's legislative definition of a child in need of protection. Some children who are apprehended due to protection concerns (e.g., physical, sexual or emotional abuse, abandonment) may also be living in situations characterized by lack of housing or other necessities. However, it is the protection concerns that would prompt the apprehension.

1446. Should families seek a foster care placement for reasons related to lack of housing or other necessities, the Children's Aid Society will work with the parents to access resources that would enable the family to stay together.

Article 10: Protection of the Family, Mother and Child

Age of majority

1447. Regulations under Ontario's *Occupational Health and Safety Act* set out minimum age requirements for various types of work, as follows:

- 14 years old to work in an industrial establishment other than a factory;
- 15 years in a factory;
- 16 years in a logging operation;
- 16 years at a construction project;
- 16 years at a mining plant or a surface mine, excluding the working face;
- 18 years at an underground mine or at the working face of a surface mine;
- 18 years to operate a hoist; and,
- 18 years old to work as a window cleaner.

Families

1448. In 1997, the government earmarked $15 million more to help families care for their children with a developmental disability. In 1999, an additional $35 million was announced for more community based support and services.

1449. Assistance to Children with Severe Disabilities, a monthly benefit to assist parents of children with severe disabilities, who care for their child at home, is a social assistance program that continues to grow. Over the past 10 years, there has been a $20 million increase in new resources supporting 5,000 more families.

1450. The Ontario Ministry of Health and Long-Term Care Public Health Division's Mandatory Health Programs and Services Guidelines (January 1997) includes a program standard for Infection Control. Under this standard boards of health are required to ensure that infection control programs are in place in day nurseries. Activities shall include as a minimum inspection of the premises at least twice a year which includes diaper routines and general housekeeping practices and to ensure safe drinking water, safe food and sanitary facilities.

1451. The government's policy is to encourage the integration of children with special needs into community childcare services with their peers. Children should only be placed in segregated settings when no other appropriate or safe placement is possible for them. In addition, no parent should have to pay a higher childcare fee for a child with special needs than for any other child. Accordingly, special needs resource services, which include trained resource teachers, as well as special equipment and supplies, are made available at no additional cost to parents.

1452. The *Family Responsibility and Support Arrears Enforcement Act*, 1996, replaced the *Family Support Plan Act* of 1992. The government's Family Responsibility Office continued working to ensure that non-custodial parents recognized and fulfilled their support obligations to their families so as to maintain the well-being and quality of their life. In fiscal year 1999-2000, the Family Responsibility Office collected $534.8 million in support obligations, including $49.8 million returned to provincial and municipal social assistance agencies for funds previously paid out to families as social assistance. Between the fiscal year 1994-1995 and 1999-2000, $2.7 billion was collected and disbursed to support recipients under the two legislative schemes.

Pregnancy and breastfeeding

1453. In 1996 and 1999, the Ontario Human Rights Commission released its policy on discrimination because of pregnancy to ensure that women, employers and service providers know that pregnant women and breastfeeding women have the right to be accommodated particularly in the workplace.

1454. The goal of the Ontario Ministry of Health and Long-Term Care Public Health Division's Reproductive Health program is to support healthy pregnancies. The focus of reproductive health is on planning for a healthy pregnancy and promoting healthy behaviours and environments before and during pregnancy. The program's minimum requirement includes providing annual consultation to schools, promoting and providing public education through group sessions, distributing information through mass media, working with health professionals to enhance their knowledge, working with coalitions/networks of community agencies and working with workplace personnel. The information must include:

- The impact of type and hours of work;
- Established chemical, physical and biological hazards;

- Workplace programs and policies demonstrated to have a positive impact on reproductive outcomes.

1455. The program offers assistance to workplace and workplace personnel in the development and implementation of workplace programs and policies to promote and protect the health of pregnant workers, including offering presentations to employers every six months and providing ongoing advice and consultation to employers as requested.

1456. A central objective of the Child Health program is to increase to 50 percent the percentage of infants breast-fed up to six months by the year 2010. Requirement 4c states that "a local board of health shall advocate for and assist in the development of policies to support breastfeeding in the workplace, restaurants, shopping malls and other public places."

Pregnancy leave and employment benefits

1457. The *Employment Standards Act* provides a right to pregnant women to take a leave of 17 weeks. (New parents are also entitled to take a parental leave of 18 weeks.) These leaves are unpaid. The following rights apply:

- the employer must reinstate the employee to the position most recently held, or a comparable position, if the position held does not exist;
- the employee will be paid the same wage on her return to work, or a higher wage, if that is what she would have earned if she had worked throughout the leave;
- the employer must continue contributing to certain benefits if provided, unless the employee gives notice that she does not intend to continue contributing her portion; and
- the employee continues to accrue credit for service and seniority while on leave.

1458. The *Employment Standards Act* does not provide for compulsory leave after confinement.

Social security benefits granted during these periods

1459. An employee continues to participate in pension plans, life insurance plans, accidental death plans, extended health plans and dental plans, if these are provided by the employer, and if she wishes them to continue and to contribute her portion throughout her leave.

1460. Individuals who do not fall within the definition of "employee" are excluded from the application of the *Employment Standards Act*, which contains pregnancy and parental leave provisions. The following individuals are also excluded:

- a secondary school student who performs work under a work experience program authorized by a school board of the school in which the student is enrolled;
- a person who performs work under a program approved by a community college or university;

- a participant in community participation under the *Ontario Works Act*, 1997;
- an inmate of a correctional institution who participates inside or outside the institution in a work project or rehabilitation program authorized under the *Ministry of Correctional Services Act*; and
- an offender who performs work of services under order or sentence of a court.

Protection of children in need

1461. Child welfare services are provided by 53 children's aid societies, five of which are designated as "Aboriginal societies." In 1999, there were 56,159 cases of protection and prevention (non-residential) and 13,593 cases of children in care (residential).

1462. The Ontario Association of Children's Aid Societies reported the following information for 1999. (Please note that information from the five "Aboriginal Societies" are included in these statistics):

- 22,208 children were served;
- 9,111 children were admitted to care;
- 76 percent of children were in care as a result of a court order;
- 55.2 percent of children were placed in foster homes;
- 40 percent of children in care were crown wards;
- at any one time, 68.1 percent of cases were open at intake/assessment;
- 21.2 percent were open for ongoing protection services and 10.7 percent were open for voluntary services.

Other measures

1463. The government has launched a number of initiatives to curb domestic violence in the province, including:

- the Domestic Violence Justice Strategy which focuses on early intervention to reduce the trauma of violence, coordinated prosecution, support to victims and an emphasis on offender accountability;
- expansion of specially designed child friendly courts to help make the courtroom less intimidating for young victims and witnesses;
- expansion of the Victim/Witness Assistance Program from 13 sites to 26 sites;
- the first Domestic Violence Courts which are currently expanding and enhancing the courts in 16 sites.

1464. Since 1994, the Ministry of Attorney General's Criminal Law Division has adopted a policy of vigorous prosecution of child abuse and domestic violence. This policy is contained in the Crown Policy Manual available to all crown attorneys and assistant crown attorneys.

1465. In 1999, amendments to the *Child and Family Services Amendment Act* were passed as part of a comprehensive reform of the child welfare system in the province. In response, the Criminal Law Division issued a practice memorandum to all crown attorneys in the province clarifying the impact of the legislation on the duty to report cases of suspected child abuse.

1466. The Ontario Ministry of Health and Long-Term Care Public Health Division's Mandatory Health Programs and Services Guidelines (December 1997) include a Sexual Health program to reduce sexual assault and abuse.

1467. The first Requirement and Standard of the Sexual Health program is: "a board of health shall work with community partners to ensure the provision of programs to the public that promote appropriate individual reproductive and sexual health choices. Content of programs shall include: knowledge, attitudes and the development of behaviour appropriate to the individual's reproductive age and maturity." Additionally, programs must include as a minimum:

- sexual behaviour, personal responsibility and decision-making;
- relationships and assertiveness, including techniques for negotiating safer sex;
- sexual assault and abuse.

Article 11: Right to an Adequate Standard of Living

1468. Living standards rose during the reporting period. Ontario's GDP grew by 4.3 percent in 1998 and by 5.7 percent in 1999. Personal income grew 4.8 percent in 1998 and a further 4.5 percent in 1999. From the second quarter of 1996 to the fourth quarter of 1999, Ontarians' real disposable income increased by 11.6 percent.

Social assistance

1469. Social assistance reform included new welfare rates, tightened eligibility rules, steps to eliminate welfare fraud and the introduction of mandatory work-for-welfare.

1470. *Ontario Works* provides financial support for basic needs and shelter primarily for people who are actively taking steps to find and keep employment. Ontario rates are on average 22 percent higher than the average rates of the other nine provinces. Welfare recipients continue to receive additional supports including mandatory special necessities, back-to-school clothing allowance, prescription drug benefits, dental benefits and employment supports.

1471. Disability benefits under the Ontario Disability Support Program (ODSP) remain the highest among the provinces and eligibility was protected when recipients were transferred from Family Benefits to ODSP on June 1, 1998. Rates for single persons receiving ODSP are 49.1 percent above the average of other provinces.

Housing

1472. The following data are estimates from Statistics Canada regarding Ontario's housing stock for the end of 1999. (These figures are based on the 1996 Census). The total number of private occupied and vacant dwellings in Ontario in 1999 was estimated to be 4.30 million. Of these, 2.77 million (64.4 percent) were owned and 1.53 million (35.6 percent) were rented.

Table 8: Number of Persons Living in Owner-occupied and Rental Housing 1996

Tenure Type	Number of Households	Average number of Persons/Household	Estimated number of Persons
Owner-occupied	2,523,390	3.0	7,570,000
Rental	1,396,145	2.2	3,072,000
Total	3,919,535		10,642,000 (1)

(1) Because this figure is an estimate based on an average number of persons per household, it slightly (0.35 percent) overestimates the number of persons in Ontario, which the 1996 Census found was 10,605,000.

1473. Of the estimated 1.53 million rented private occupied and vacant dwellings in Ontario at the end of 1999, approximately 271,000 rental dwellings were social housing units — 84,000 in public housing, 159,000 in non-profit housing and 28,000 in other forms of assisted housing.

Waiting lists for accommodation

1474. The following table provides data on the number of people on waiting lists for public housing submitted by Local Housing Authorities for the period from January 1994 to December 1999.

Table 9: Waiting Lists for Public Housing	
Date	**Number of Persons**
December 1994	65,245
December 1995	67,30
December 1996	68,330
March 1997	72,903
December 1998	84,764
December 1999	94,880

Note: These figures do not include non-profit and co-op housing waiting lists. Applicants are not restricted from placing their names on several waiting lists across several different municipalities.

1475. The Ontario Government has adopted several measures designed to encourage enabling strategies whereby local community-based organizations and the informal sector can provide housing services.

1476. The Community Partners Program, for example, has been funded and run by Ontario during the 1994 to 1999 period. The program utilizes volunteers to help low-income households find affordable rental units in the private sector. The administration of the program has recently been devolved to municipalities but some $2,300,000 in funding continues to come from the Province.

Legislation concerning rights of tenants

1477. Ontario has a number of statutes, such as the *Tenant Protection Act* and aspects of the Ontario *Human Rights Code*, which provide a consistent legislative basis for the relationships between housing providers and consumers.

1478. During 1994-1999, the *Housing Development Act*, which regulates social housing and the *Municipal Act*, which sets out the powers and responsibilities of municipal governments, remained in effect with only minor changes to improve their function.

Legislation relevant to land planning

1479. The *Planning Act* is enabling legislation, which provides municipalities with authority to develop policy governing the location and distribution of land uses through official plans, and to implement controls over land uses and density through zoning. This Act contains procedures for public participation in planning matters.

1480. The Provincial Policy Statement (PPS) is also to be used in accordance with the *Planning Act*. The PPS provides policy guidance regarding matters of provincial interest, that decision-making authorities shall have regard to when making decisions, which affect land use planning matters.

Legislation affecting rental housing

1481. The *Tenant Protection Act* (TPA) was proclaimed on June 17, 1998. The TPA is intended to improve the climate for investment in Ontario's existing rental stock, encourage investment in the construction of new rental housing, protect tenants from arbitrary eviction and unfair rent increases, improve enforcement of maintenance and repair of the existing rental stock, and streamline the administration of regulation.

1482. Under the TPA, landlords and tenants have access to the Ontario Rental Housing Tribunal (ORHT), a quasi-judicial body established to administer the legislation and to adjudicate disputes related to security of tenure and increases in rent above the regulatory guideline. The TPA provides rights of appeal.

1483. Rent increases for tenants are limited to the annual guideline amount unless the landlord receives approval from the ORHT. The guideline amount has been at or below 3 percent annually from 1995. The guideline amount was 3 percent for the year 1998 and also 3 percent for the year 1999. Landlords must provide tenants with written notice of a rent increase and can only increase the rent once in a 12-month period. Tenants must be notified of applications to increase the rent by an amount above the guideline, and may dispute the rent increase at an ORHT hearing.

1484. The TPA requires landlords to maintain rental units in a state of good repair and to comply with health, safety and maintenance-related standards. Landlords who fail to do so may be subject to a range of penalties. The TPA also increases the powers of municipalities to enforce standards and penalties against landlords who persistently fail to provide vital services.

Legislation concerning building codes

1485. The *Ontario Building Code Act* is the foundational legislation for the Ontario Building Code, the regulatory instrument that sets out standards for the construction, renovation and change of use of buildings in Ontario.

1486. The Ontario Building Code was changed in 1999 to reduce the minimum required area for a dwelling unit. This is intended to remove a barrier to the development of new single room occupancy units (SROs), which are small dwelling units that include a kitchen and bathroom. While SROs are smaller than traditional rental units, they are generally less expensive to build, and therefore can be offered at lower rents. The loss of this type of unit and rooming houses in many North American cities is often seen as an important factor in the rise of homelessness.

Evictions

1487. Until June 17, 1998, eviction applications were heard by the provincial courts, which fall under the jurisdiction of the Ontario Ministry of the Attorney General. The *Tenant Protection Act* consolidated six core pieces of legislation dealing with residential tenancies into one act. The TPA addresses security of tenure issues, and sets out the eviction process and grounds for eviction. The eviction process requires that the tenant receive notice, and provides the tenant an opportunity to dispute the eviction application at an ORHT hearing. Under the TPA, mediation services are also available which allow landlords and tenants to attempt to resolve their own disputes with the assistance of a mediator.

1488. The TPA protects tenants from arbitrary eviction and contains strong anti-harassment rules. It is an offence for a landlord to use harassment to force a tenant to vacate a rental unit, or to interfere with a tenant securing his or her rights under the Act.

1489. With the proclamation of the TPA, the Ontario Rental Housing Tribunal (ORHT) became responsible for hearing residential eviction applications rather than the courts. The ORHT is a quasi-judicial body established to administer the Act and resolve landlord and tenant disputes. Although the ORHT is responsible for processing eviction applications, it does not enforce evictions. This remains the responsibility of the Sheriff's Office.

1490. The TPA and its predecessor, the *Landlord and Tenant Act*, strive to protect tenants from arbitrary eviction. Tenants, including those in weekly or monthly rental in rooming houses and care homes, are covered by the security of tenure provisions set out under the TPA. The TPA sets out the process which landlords must follow to obtain an eviction. Under the TPA, tenants must be notified of the landlord's application, and in all cases have the opportunity to dispute the grounds for eviction at a hearing before the ORHT. The opportunity to attempt to resolve disputes through mediation is also offered to parties under the TPA.

1491. The Sheriff's Office does not maintain statistical information specifically for the number of evictions related to residential tenancy they enforce each year. Instead, evictions are recorded within the category of "writs of possession" issued. Presenting this data would be an inaccurate reflection of the number of evictions that occur as this data also encompasses civil law cases unrelated to landlord and tenant matters.

Legislation prohibiting discrimination in housing

1492. The Ontario *Human Rights Code* is the legislation that prevents discrimination generally in the province. Ontario Regulation 290/98 under the Code clarifies for both landlords and tenants the type of information which landlords can require of prospective tenants, and how this information may be used.

1493. Ontario Regulation 290/98 establishes acceptable business practices which landlords can use in the tenant selection process. It allows landlords to ask for and use a number of factors together in assessing a prospective tenant. These factors include income information, credit checks, credit references and credit history. This information may be collected provided that it is employed in a way that conforms to the requirements of the *Human Rights Code.*

1494. A brochure entitled "Human Rights Code Protection for Tenants" has been produced to assist landlords and tenants to observe the requirements of this regulation.

Environmental planning and health in housing

1495. Ontario's *Environmental Bill of Rights* (EBR) makes it possible for the public to participate in government decision-making on matters that could affect the environment. The EBR applies to prescribed Ontario ministries and prescribed Ontario legislation.

1496. The EBR also requires a Statement of Environmental Values (SEV) from all prescribed government ministries. A SEV explains: (1) how the purposes of the EBR will be applied when decisions that might significantly affect the environment are made in the ministry; and (2) how consideration of the purposes of the EBR will be integrated with other considerations, including social, economic and scientific considerations.

Affordable housing

1497. In 1999, the number of renter households whose rent payments exceeded 30 percent of gross household income was estimated to be 33 percent, or approximately 500,000 out of a total of 1.53 million renter households.

1498. The Ontario Government has made a number of legislative and taxation changes, which facilitate the construction of affordable housing.

1499. The introduction of the *Tenant Protection Act* encourages investment in both the construction of new rental housing and the maintenance of existing stock while at the same time providing strong tenant protection against unfair rent increases, arbitrary eviction and harassment.

1500. The Government has also implemented:

- a new land use planning system which streamlines the planning approvals process;
- a new *Development Charges Act,* which restricts costs that municipalities can pass on to builders;
- a revised Ontario Building Code which ensures standards are cost-effective, streamlined and focussed on core objectives of health, safety and accessibility; and,
- the *Fair Municipal Finance Act*, which gives municipalities the option to tax new apartment buildings at a lower rate to encourage new construction.

1501. As a stimulus to the construction of affordable multi-residential rental accommodation, the government significantly reduced the impact of the Provincial Sales Tax (PST) on building materials used in construction. The government would provide grants to builders equal to the PST paid on building materials, to a maximum of $2,000 per rental unit constructed.

Housing budget

1502. The following table expresses the Ministry of Municipal Affairs and Housing budget as a percentage of the actual provincial expenditures for the period in question. It should be noted that Ontario operates on an April 1 to March 31 fiscal year.

Table 10

Year	Ontario Public Accounts $M	Ministry Budget (actual) $M	Ministry Budget as % of Ontario
1999-2000	61,818(1)	1,249	2.0
1998-1999	57,788	1,401	2.4
1997-1998	56,484	1,758	3.1
1996-1997	56,355	2,110	3.7
1995-1996	57,085	1,953	3.4

(1) This is an interim figure.
Note: The data in this table is drawn from the Public Accounts of the Province of Ontario for the relevant periods, as well as from the Ministry of Municipal Affairs & Housing Budget documents.

Homelessness

1503. Homelessness is a significant concern to the province of Ontario. In March 1999, the government announced a Provincial Homelessness Strategy which included a commitment to fund 10,000 new rent supplement units to assist households in need to afford adequate housing.

1504. In November 1999, the Minister of Community and Social Services and the Minister of Municipal Affairs and Housing jointly announced a package of measures to implement the Provincial Homelessness Strategy.

1505. A new rent supplement program was also announced. As a result of savings accessed through the federal/provincial social housing agreement signed on November 17, 1999, the Province committed an additional $50 million annually to be spent on rent supplements for low-income households. These funds could help up to 10,000 low-income individuals and families across Ontario. Two thousand of these units have been set aside for supportive housing.

1506. The Provincial Homelessness Strategy also includes an additional $45 million in funding:

- to develop housing spaces and supports to housing for people with mental illness;
- an additional $6 million for the Provincial Homelessness Initiatives Fund;
- the reallocation of $2.5 million over the next three years from expiring rent supplement contracts to help house between 300 and 400 persons with special needs;
- the transfer of $2.3 million in funding and administrative controls to municipalities for the Community Partners Program to help them better serve people with special needs in their communities; and,
- encouraging municipalities to have rent paid directly from social assistance for individuals who are vulnerable to losing their housing.

1507. Initiatives to address homelessness also included the following:

- $10.39 million in Provincial Homelessness Initiatives funding provided to 47 municipalities to support local solutions to homelessness;
- $1 million to help ex-offenders re-enter the community, including assistance in finding permanent housing;
- a rebate of up to $2,000 per rental unit to builders of affordable multi-unit housing to mitigate the impact of the Provincial Sales Tax;
- a commitment to create 500 affordable housing units by freeing up public land;
- an additional $2 million to increase the maximum Community Start Up benefit paid to eligible families to help them leave the hostel system.

1508. In total, over $100 million was committed by the government in addition to the $2 billion that the province already spends each year to help those who are homeless or at risk of becoming homeless.

Encouragement of "informal sector" housing providers

1509. The Ontario Government has adopted some measures designed to encourage enabling strategies whereby local community-based organizations and the informal sector can build housing and related services. Two such organizations are Frontiers Foundation Inc. and the Community Partners Program.

1510. Frontiers Foundation Inc. builds affordable housing for native persons using volunteer labour. Frontiers Foundation was funded by Ontario till April 1996. Funding was re-established in July 2000 in the amount of $900,000. The funding is for the purpose of building permanent housing for Aboriginals. The private sector and other provinces and territories also contribute funds.

1511. The Community Partners Program has been funded and run by Ontario during the reporting period. The program utilizes volunteers to help low-income households find affordable rental units in the private sector. The administration of the program was recently devolved to municipalities but some $2,300,000 in funding continues to come from the province.

Measures to release under-utilized land

1512. Economic and technological change has led to the under-utilization of lands in the industrial districts ("brownfields") of a number of Ontario municipalities. The Ontario government recognizes the potential economic, social, and environmental benefits in the re-use of these lands. During the period 1994 to 1999, the Ministry of Municipal Affairs and Housing conducted research and policy development on initiatives to assist municipalities in identifying a range of potential finance, liability and approval tools available to support planning and redevelopment activities and to highlight the benefits that can be achieved when brownfield sites are redeveloped. The Federal Government has also followed suit and introduced a program that provides relief to builders by reducing the Goods and Services Tax (GST) to 4.5 percent.

Measures to encourage development of small and intermediate urban centres

1513. The Ontario government recognizes the importance of encouraging the development of small and medium sized municipalities. During the period 1994 to 1999, the Ministry of Municipal Affairs and Housing conducted research and policy development on a new initiative, subsequently published in 2000, called "Municipal Economic Readiness" which is designed to assist municipalities to:

- identify the changing needs of business;
- Assess individual planning and development systems; and
- identify opportunities for improvement and for attracting new development.

1514. The Provincial Policy Statement, which provides policy direction on matters of provincial interest in land use planning, states that urban and rural settlement areas will be the focus of growth. As municipal planning decisions are made on the basis of this policy, the development of efficient, economically sustainable settlement areas will be encouraged.

Urban renewal programs

1515. Much of Ontario's public housing stock has been redeveloped and upgraded through capital expenditures of an average of $100 million annually during the period from 1994 to 1999. Any tenants affected by major projects retained their tenure.

1516. In addition, many municipalities have engaged in their own downtown revitalization projects. The tenure of any affected tenants is protected by the *Tenant Protection Act* and, prior to June 17, 1998, would have been protected by the *Landlord and Tenant Act*.

Article 12: Right to Physical and Mental Health

1517. In 1998, in the Statistics Canada National Population Health Survey, 67.8 percent of males and 63.6 percent of females (aged 12 and older) in Ontario surveyed considered their health to be very good or excellent. In the same survey, 9.0 percent of males rated their health as fair or poor, compared to 10.1 percent of females in 2000-2001.

1518. Ontario's Health System Performance Report reported data provided by Statistics Canada, Canadian Vital Statistics. The following table summarizes that information with respect to five selected causes of death.

Table 11

Sex	Selected causes of death	1995	1996	1997	1998	1999
Males & Females	Colorectal cancer	20.4	18.9	18.1	17.9	18.6
	Lung cancer	45	45.3	42.6	44.6	45.4
	Acute myocardial infarction	67.9	66.8	61.6	60.3	58.4
	Cerebrovascular diseases	50.5	49.6	49.2	46.1	44.1
	All stroke	42.3	41.3	41.2	38.5	36
Males	Colorectal cancer	26	23.9	23.4	22.8	23.1
	Lung cancer	65.9	64.7	60.9	61.1	62.3
	Prostate cancer	30.3	29	27.6	27.5	26.1
	Acute myocardial infarction	93.1	92.6	84.7	84.5	82.2
	Cerebrovascular diseases	56	53.3	53.4	50.8	47.7
	All stroke	47.4	43.7	44.1	41.7	38.6
Females	Colorectal cancer	16.3	15.1	14.2	14.5	15.1
	Lung cancer	29.7	31.1	29.2	32.5	33
	Female breast cancer	30.3	29.4	27.4	25.3	25.2
	Acute myocardial infarction	48.7	47	43.5	41.8	40.4
	Cerebrovascular diseases	46.5	46.3	45.7	42.7	41.1
	All stroke	38.8	38.9	38.6	36.2	33.8

1519. In 1999, Ontario's life expectancy for males was 76.8 years and 81.8 years for females (Source: Statistics Canada, Vital Statistics).

1520. Data for 1999 from Statistics Canada shows Ontario as having an infant mortality rate of 4.6 per 1,000 live births versus the national average of 4.4. Infant mortality rates have been consistently falling since 1979.

1521. After increasing from 1990 to 1995, potential years of life lost (PYLL) due to colorectal cancer and suicides have declined from 1995 to 1999. However, there has been an increase for both from 1998 to 1999. From 1990 to 1999, PYLL due to lung cancer, acute myocardial infarction, cerebrovascular diseases, strokes, and unintentional injuries has declined for each cause of death respectively by 4.4 percent, 30.9 percent, 14.3 percent, 19 percent, and 9.8 percent.

Physical activity and health

1522. In the 1998-1999 Statistics Canada, National Population Health Survey, among those Ontarians 12 and over who were applicable to answer the question and who answered it, 51.5 percent reported being physically inactive. The percent of males who reported being physically inactive was 46.4 compared to 56.4 percent of females. Physical inactivity is one of the largest and most serious health concerns facing Ontario. Physical inactivity is associated with diseases such as coronary heart disease, type 2 diabetes, site specific cancers, back pain, osteoporosis, hypertension, obesity, anxiety, depression and stress. The Ministry of Health and Long Term Care, and the Ministry of Tourism and Recreation have partnered to increase the number of Ontarians who are physically active.

Mental health morbidity

1523. In Ontario, the suicide rate for men was approximately 14.5 per 100,000 population, averaged for the three years 1995 to 1997. For the same time period, the age-standardized suicide death rate for women was 4.2 per 100,000. In Ontario, in 1997 the age-standardized suicide death rate for men was approximately 13.8 per 100,000 population. For the same time period, the age-standardized suicide death rate for women was 3.8 per 100,000 (Source: Statistics Canada, Vital Statistics).

Access to sewage treatment

1524. As of September 30, 1999, approximately 80 percent of Ontarians had access to sewage treatment facilities through communal plants. The remaining 20 percent had access to individual systems such as septic tank systems and pit privies.

Infant immunization

1525. Ontario provides vaccines against diphtheria, pertussis, tetanus, poliomyelitis and Haemophilus influenzae disease free of charge for the immunization of infants. Measles, mumps and rubella vaccines are also provided free of charge for administration after the first birthday. Ontario also provides vaccines (such as the Hepatitis B vaccine) for the immunization of infants who are in specific high risk groups.

Access to trained personnel by pregnant women

1526. Municipal Boards of Health are required under the Mandatory Health Programs and Services Guidelines to provide the public with prenatal group session health education.

Boards are also required to work with health professionals to enhance their knowledge and skills about reproductive health. Work with community coalitions/networks is also required to co-ordinate, develop and implement accessible services for all pregnant women.

Access of infants to trained personnel

1527. Trained personnel attend the delivery of almost all infants in the province.

Measures to improve children's physical and mental health

1528. The Ministry of Community and Social Services funding for child and adolescent mental health services has grown from $261.7 million in 1994-1995 to $263.7 million in 1998-1999. Four new initiatives are currently being implemented to improve access to services and promote system change.

1529. In May 1999, the government announced new funding for a four-point plan to improve access to children's mental health services. The four initiatives include:

- intensive child and family services;
- mobile crisis response teams;
- telepsychiatry access points, and standardized intake, assessment/outcome instruments; and
- a province wide information system

1530. The Government of Ontario funds the *Healthy Babies, Healthy Children* program for children prenatal to six years of age. Funding of $67 million annually provides prenatal and universal screening at birth and universal postpartum follow-up within 48 hours by public health nurses. Information and support for healthy child development is provided at birth and throughout the early years with screening for children 18 months to 3 years. Families requiring additional supports are offered home visiting and service coordination.

Measures to improve the physical and mental health situation of vulnerable and disadvantaged groups

1531. In 1995 and 1996, Ontario enacted legislation to enhance the protection of adults who are vulnerable due to mental incapacity. The *Substitute Decisions Act* and the *Health Care Consent Act* introduced new rights and programs for adults with mental incapacity. A program to investigate abuse and neglect of adults suffering from mental incapacity was introduced together with changes which increased the effectiveness of adult guardianship services, and expanded the right of individuals to plan in advance for the possibility of future incapacity.

1532. For the period October 1, 1994 to September 30, 1999, the Ministry of Health and Long Term Care allocated $205 million in new funding for mental health. These funds were used to create 962 housing units as part of the Mental Health Homelessness Initiative, 145 new mental health beds (28 children's beds, 109 forensic beds, and eight acute beds). Community mental health was also enhanced with the allocation of $89.5 million to expand 24-hour community care provided to people with mental illness through services such as 60 Assertive Community Treatment Teams (ACTTs), enhanced crisis response and case management services across the province. An additional $52.3 million was allocated for the introduction of three anti-psychotic drugs to the Ontario Drug Formulary.

1533. In September 1999, the Ontario government announced the first comprehensive, multi-faceted provincial strategy in Canada on Alzheimer Disease. The strategy comprises a 10-point action plan to improve the quality of life for people with dementia, provide support to the families providing care to them, train health care providers and expand services. The government is investing up to $68.4 million over five years in this comprehensive, multi-faceted strategy.

1534. In March 1999, the Minister of Long-Term Care with responsibility for Seniors announced the development of Ontario's Strategy to Combat Elder Abuse, a comprehensive, multifaceted plan to prevent elder abuse and help abused seniors or those at risk of abuse. The Strategy includes initiatives to address three priority areas:

- Co-ordinating services at the community level;
- Training front line staff who relate to seniors on a daily basis; and
- Raising public awareness and sensitivity to the problem of elder abuse.

Infant mortality

1535. Objectives under the Mandatory Health Programs and Services Guidelines, Reproductive Health Section, include reducing the low birth weight rate (under 2,500 g) to 4 percent by the year 2010 and decreasing the prevalence of Neural Tube Defects by 25 percent by the year 2010.

Environmental and industrial hygiene

1536. Measures to improve environmental and industrial hygiene include:

- publication of the Guideline for Use at Contaminated Sites, which provides clear approaches to site assessment and cleanup of (historically) contaminated sites;
- revision of hazardous waste regulations to better manage the safe disposal of hazardous wastes;
- release of new landfill standards on the design, operation and closure of new or expanding non-hazardous waste landfills;
- introduction of mandatory emissions testing for light duty vehicles. The program is expected to reduce smog-causing pollutants from vehicles in the southern Ontario program area by 22 percent over the course of the program. More than five million vehicles will be covered by the program;

- acceleration of the development of human health and environmental standards for various environmental media (air, drinking water, surface waste, sediments, biota);
- introduction of an interim standard for particulate matter, a key component of smog;
- review of mining regulations to ensure lands are returned to a natural state after completion of exploration and mining activities;
- $27 million commitment to the Abandoned Mines and Rehabilitation Program to clean-up physical and environmental hazards on many abandoned mine sites across Ontario, restoring the sites to productive uses;
- Canada-Ontario Memorandum of Agreement on decommissioning and long-term maintenance of uranium mine and mill tailings in Ontario. Under the agreement, the two governments will share costs of decommissioning and long-term maintenance of mines in the event that a producer or property owner is unable to pay;
- development of a process of watershed management to ensure that the decisions and activities of institutional infrastructure are made within an enhanced ecological context;
- implementation of a successful program to reduce emission from four major Ontario sources of sulphur dioxide and meeting targets set by the Canada/U.S. Air Quality Agreement for sulphur dioxide and nitrogen oxide emissions from each electric utility unit greater than 25 million;
- development of regulations to prohibit or control ozone-depleting substances;
- involvement of Ontario residents in environmental decision-making through the *Environmental Bill of Rights* in 1994. This Act provides for:

    - a process for public participation in environmentally significant decisions made by the government;
    - increased access to the courts by members of the public for the protection of the environment;
    - enhanced protection for employees who took action with respect to environmental harm; and
    - increased accountability for environmental decision-making.

1537. During the reporting period, Ontario launched the four-year, $90 million Healthy Futures for Ontario Agriculture program to enhance the quality and safety of the food supply, to safeguard rural water quality and quantity and to increase access to domestic and global markets. As of November 1, 2000, 19 projects worth $47.9 million have been approved, with a provincial contribution of $7.1 million.

1538. Ontario is developing the Ontario Small Town and Rural Initiative (OSTAR) to help rural and small urban municipalities invest in priority infrastructure such as water, wastewater and flood control management facilities. It will target more support to municipalities that lack the ability to pay for such projects. OSTAR will provide over $600 million over the next five years to help small municipalities to finance projects that the municipalities have identified as being a priority.

Article 13: Right to Education

Access to primary education

1539. During the 1998-1999 academic year, there were a total of 1,413,786 students enrolled in 3,948 elementary schools; 51.33 percent of students were male and 48.3 percent were female.

Secondary education

1540. During the 1998-1999 academic year, there were a total of 697,836 students enrolled in 809 secondary schools; 51.4 percent were male and 48.6 percent were female. Of this total, 6.37 percent were 19 years of age or older.

1541. In 1998-1999, long distance education was provided through the Independent Learning Centre to 27,969 students who wished to earn secondary school diploma credits, upgrade basic skills, or study for personal development. Of the secondary school level students enrolled with the Independent Learning Centre, 40.6 percent were male and 59.4 percent were female, and ranged in age from 15 years to over 65. Each enrolment is subject to a nominal fee, which is refunded upon completion of the course requirements.

1542. The Independent Learning Centre administers the General Education Development (GED) testing program for Ontario. Upon successful completion of a series of five tests, candidates are awarded a High School equivalency certificate that is recognized by most employers and many post-secondary institutions.

Adult education

1543. Courses for adults in basic literacy and numeracy are offered by school boards, colleges of applied arts and technology, and community organizations. In the 1998-1999 fiscal year, approximately 60,000 learners were enrolled in such courses. Literacy programs have also been developed to meet the needs of Francophone, Aboriginal and deaf learners in Ontario.

1544. Ontario's welfare-to-work program, Ontario Works will provide basic literacy and numeracy training for any welfare recipient who can't pass a basic language and mathematics test. Where required this training will be mandatory for all non-learning disabled Ontario Works recipients to help ensure they are job-ready.

Human rights

1545. In 1995, the Ontario Human Rights Commission released Teaching Human Rights in Ontario, an educational resource for high school and English-as-a-second-language students. It addresses human rights, the Ontario *Human Rights Code* and the *Universal Declaration of Human Rights*. In 1999-2000, the Commission also worked on the development of a companion teaching resource on Human Rights and Disabilities.

Realizing the right to education

1546. In September 1999, Ontario introduced a new four-year secondary curriculum program to replace the previous five-year program. It consists of courses designed to prepare students for a variety of postsecondary destinations. No meaningful data will be available on the distribution of Aboriginal and racial and ethnocultural minority students in these new courses for several years.

1547. In the academic year 1993-1994, the Ontario government passed legislation requiring all school boards to develop antiracism and ethnocultural equity policies. The legislation was meant to address the removal of existing systemic biases and barriers adversely affecting the achievement of Aboriginal, racial and ethnocultural minority students. These board policies were in effect in Ontario during the reporting period with the exception of those components relating to mandatory employment equity policies. The responsibility for the on-going monitoring of these policies rested with district school boards/school authorities and their local communities.

1548. During the reporting period, a major curriculum reform was implemented, with a complete rewriting of all curriculum-related documents from kindergarten through Grade 12. A statement on policy relating to Anti-discrimination Education is included in *Ontario Secondary Schools, Grades 9-12: Program and Diploma Requirements, 1999* which sets out the policies and requirements that govern the program in English-language secondary schools. Curriculum expectations relating to antidiscrimination education, violence prevention, and perspectives of Aboriginal peoples have been integrated into the new secondary curriculum. These expectations include knowledge and skills relating to conflict resolution, responsible citizenship, and civil and human rights. In addition, there is a Grade 10 Civics course, which is a mandatory secondary school graduation requirement.

1549. The Ministry of Education does not collect data on school dropout rates. In 1998-99, the high school graduation rate (as a percentage of the 18-year old population) was 77.6 percent.

1550. In 1989, according to the survey of Literacy Skills Used in Daily Activities, 38 percent of the adult population in Ontario did not have adequate literacy skills. The 1994 International Literacy Survey (IALS) reported that 20 percent of the adult population in Ontario do not have basic literacy skills and further 24 percent need literacy upgrading.

1551. In 1998-1999, approximately 60,000 persons were enrolled in adult literacy programs supported by the Ontario government's Ministry of Training, Colleges and Universities.

Table 12: Literacy Results for 1998-1999	
Number of Learners	60,000
Women	45%
Men	55%
AGE	
16-19	5.9%
20-24	17.3%
25-44	54.2%
45-64	16.5%
64+	6.1%

1552. Total funding in 1998-1999 was $55.3 million.

State financial information for education

1553. In 1998-1999, Ontario allocated $13.1 billion for elementary and secondary education. More than 2.1 million learners were being taught by over 116,000 teachers at 3,948 elementary and 809 secondary schools across the province. Provincial government support for the 1998-1999 school year was just over $7 billion, of which $340 million was allocated for pupil accommodation needs, including the operation, maintenance and construction of schools. Almost $6 billion in education property taxes was used to support elementary and secondary education.

1554. There are four publicly funded school systems in Ontario: English public or non-denominational; English Catholic or separate; French public and French Catholic. At the local level, the system is operated by 72 district school boards accountable to the public through elected trustees, 31 school authorities, and six hospital authorities.

1555. In a decision rendered on November 5, 1999, the United Nations Human Rights Committee (UNHRC) took the position that Ontario's system of funding Roman Catholic separate schools, and not other religious denominations or faiths, violates Article 26 of the *International Covenant on Civil and Political Rights*. However, Ontario continues to uphold its constitutional obligations by providing full funding to public and separate schools.

1556. Scheduling of the school calendar is the responsibility of district school boards, but provincial regulations stipulate that the school year must consist of a minimum of 190 instructional days. The length of the instructional program of each school day for students of compulsory school age is not less than five hours.

1557. In addition to publicly funded post-secondary institutions, there are private post-secondary education and training institutions, including private vocational schools.

Access to education

1558. Table 13 represents a gender breakdown of enrolment in Ontario educational institutions during the years 1997-1999. Percentages reflect proportion of total full time equivalent student enrolment.

Table 13

	Male (% of enrolment)	**Female (% of enrolment)**
1997-1998:		
Colleges of Applied Arts & Technology	47.3	52.7
1998-1999:		
Universities	44.9	55.1
1998-1999:		
Elementary Schools	51.3	48.7
Secondary Schools	51.4	48.6
Distance Learning	40.6	59.4

Vulnerable groups

1559. A Foundation Grant provides for costs associated with the basic requirements of all students. A series of special purpose grants address individual and board specific needs such as special education, second-language education, additional costs faced by district school boards covering large rural or isolated geographic areas, and additional costs due to the social and economic situation in a board's jurisdiction.

1560. Under *The Education Act*, it is the responsibility of the district school boards to provide the supports for all their exceptional students, as outlined in the students' individual education plans. In 1998-1999, Ontario increased the boards' Special Education Grant to nearly $1.2 billion, in acknowledgement of additional costs associated with educating special needs students. In addition, Ontario "enveloped" its special education allocation to ensure that district school boards use this funding exclusively for special needs students. Any funding that is not used for this purpose must be placed in a special education reserve fund for future use.

1561. Every district school board receives a Language Grant, based on its particular need for language instruction. This grant is used by the boards to provide English as a second language (ESL) or French as a second language (FSL) assistance for children who are new to Canada, or whose first language spoken at home is not English or French. In 1998-1999, district school boards provided 21,855 children and 14,666 adults (both on an average daily enrolment basis) with ESL or FSL language instruction.

1562. In 1998-1999, a Geographic Allocation Grant of nearly $149 million provided funding for small schools and remote and rural boards, in recognition of the higher costs of operating in vast, sparsely populated areas.

1563. Research has shown that certain social and economic indicators are associated with the risk of academic difficulties. Specific risk factors include: low parental income; low parental education; Aboriginal status; or recent immigration status. Ontario's Learning Opportunities Grant of almost $185 million in 1998-1999 permitted district school boards to offer a range of locally determined programs to improve the educational achievement of students at risk.

1564. In 1998, 38,000 adult ESL learners were enrolled in provincially funded English as a second language/French as a second language programs.

1565. At the post-secondary level, colleges of applied arts and technology and public universities receive an Accessibility Fund to help them provide support services to accommodate students with disabilities. In 1999-2000, the colleges received $7.748 million and universities $5.752 million for this purpose.

Action to promote equal access to education

1566. In addition to requiring district school boards and school authorities to have mandatory antiracism and ethnocultural equity policies, Ontario established an Aboriginal Education and Training Strategy to increase the number of Aboriginal students attending and graduating from Ontario's colleges and universities. The strategy is to reduce the barriers that restrict Aboriginal student access to postsecondary institutions, including initiatives with respect to admissions, access programs, and Native teacher education programs. In addition, this strategy will increase Aboriginal community involvement in institutional governance, program development, and admissions processes.

1567. To improve access to education for Aboriginal people, the Ministry of Education in partnership with the Ontario Federation of Indian Friendship Centres and the district school board, established an Alternative secondary school in each of three Friendship Centres. These alternative schools were established to address the high dropout rate of Aboriginal students by providing an appropriate environment that would encourage them to complete their secondary school.

1568. Ontario provides annually over $7 million in funding for Aboriginal postsecondary initiatives at colleges, universities and Aboriginal postsecondary institutions. The Aboriginal Education and Training Strategy (AETS) provides $6 million annually to increase Aboriginal participation and completion rates in universities and colleges;

increase sensitivity to Aboriginal cultures; and to increase the participation of Aboriginal peoples in decisions affecting Aboriginal postsecondary education.

1569. The balance of funding is used to support the fixed-wing flight program at First Nations Technical Institute and for teacher education and nursing programs for Aboriginal peoples at various universities.

1570. Implementation of a system of Prior Learning Assessment began in Ontario colleges so that credits could be awarded for past learning and life experiences.

Language facilities

1571. In Ontario, the two official languages of Canada, English and French, are instructional languages. While the majority of school boards are English speaking, there are now 112 French-speaking school boards in the province. The *Education Act* provides that every pupil with rights under section 23 of the *Canadian Charter of Rights and Freedoms* has the right to receive elementary and secondary instruction in French.

1572. The province also allocates funding to school boards for international language programs and Native language programs.

Private schools

1573. In 1998-1999, there were 704 private elementary and secondary schools in Ontario with a total enrolment of 90,534 students, just over 4 percent of all elementary and secondary students in the province. Private schools are independently operated and do not receive funding from the province or municipalities. Private schools are required to file a "Notice of Intention to Operate," and those offering a secondary school diploma are inspected by the Ministry of Education to ensure that courses offered meet Ministry guidelines.

1574. At the post-secondary level, there are approximately 310 private vocational schools. As well, 17 privately funded schools have been granted restricted degree-granting authority. Other private post-secondary education and training institutions that do not require registration by the Ministry of Training, Colleges and Universities operate in Ontario.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

Language discrimination

1575. In 1996, the Ontario Human Rights Commission released the *Policy on Discrimination and Language*. Although language is not a prohibited ground of discrimination, there is a link between language or accent and ancestry, ethnic origin or place of origin. Therefore, the Commission accepts complaints on the latter grounds where language appears to be a factor.

Aboriginal peoples' access to the Human Rights Commission

1576. In 1999, the Ontario Human Rights Commission initiated a special program for Aboriginal persons in order to enhance awareness of human rights protections and to develop culturally sensitive mechanisms to improve access to the human rights process in Ontario.

Tax credits to encourage investment and create jobs in Ontario's cultural industries

1577. The Ontario *Film and Television Tax Credit* was introduced in 1996 for domestic producers. Features include a 20 percent refundable credit for eligible labour expenditures capped at 48 percent of the production budget in eligible productions (75 percent of production expenditures must be spent in Ontario and the project must be controlled by a Canadian-owned production company).

1578. The Ontario *Book Publishers Tax Credit*, which became operational in 1998, is a refundable tax credit for qualifying publishers of first-time Canadian authors (in five genres). At maturity, the credit is estimated to be worth $5 million.

1579. The Ontario *Computer Animation and Special Effects Tax Credit*, introduced in 1997, is for both domestic and foreign producers. Features include a refundable tax credit of 20 percent on qualifying labour expenditures capped at 48 percent of production budget for digital animation and digital visual effects, available to firms with a permanent establishment in Ontario.

1580. The Ontario *Production Services Tax Credit*, introduced in 1997, is primarily for foreign-based producers, although domestic producers can also apply. Features include an 11 percent refundable tax credit on qualifying labour expenditures for eligible production companies undertaking film or television productions in Ontario.

1581. The Ontario *Sound Recording Tax Credit*, introduced in 1998, is for small domestic recording companies. The credit is a 20 percent rebate on eligible production and marketing expenses to small Ontario-based recording companies recording new and emerging Canadian artists. All Ontario marketing and production costs are eligible; Ontario will also rebate 20 percent of 50 percent of marketing costs *outside* Ontario. At maturity, the credit is estimated to be worth $5 million annually.

1582. The Ontario *Interactive Digital Media Tax Credit*, introduced in 1998, is for small domestic interactive digital media producers. The credit provides a 20 percent refundable credit on wages and salaries for original interactive works and a 20 percent rebate on 50 percent of freelance labour costs. At maturity, the credit is estimated to be worth $7 million annually.

Heritage programs

1583. For this reporting period, through its operational grant program, Ontario earmarked $5.3 million to provide operational funding for Provincial Heritage Organizations, $15 million to provide operational funding for Community Museums, and $1.06 million to support the operations of local heritage organizations. The province provided $10.5 million in operational funds to the Ontario Heritage Foundation and a further $0.8 million in capital funds for designated property grants, and $1.6 million for culture capital grants.

1584. In May 1999, the province announced a $10 million Heritage Challenge Fund. The Fund provided monies on a matching basis for capital work on recognized heritage properties in public or non-profit ownership.

1585. In May 1999, the province announced a temporary (May 1999-December 2000) Heritage Sales Tax Rebate Program. This initiative provided a rebate of the 8 percent provincial retail sales tax on the purchase of materials used in the conservation of recognized heritage properties.

Other measures

1586. Community-based organizations that received grants in delivering services and programs to newcomers include:

- The Cultural Interpreter Services Program assists newcomers, particularly those who are victims of wife assault, to gain access to appropriate services.
- The Recreation Development Fund provides funds to local government and other community recreation organizations for the provision of recreation opportunities to Ontarians. First Nations Communities and Aboriginal Friendship Centres receive preferential treatment, receiving up to 80 percent, rather than the standard 50 percent maximum, funding for eligible costs.
- The Games Program provides yearly project funding to the sport organizations for people with a disability to help provide ongoing sport opportunities, and also supports the annual Ontario Games for the Physically Disabled.
- Ontario Senior Games, a provincial championship for Ontario men and women 55 years of age and older, are held in the summer, every two years. In 2000, the first winter games for seniors, Winterfest, was held, with government support. Plans are in place for another Winterfest to be held in 2003.

1587. In order to support quality delivery of literacy and basic skills training, the Ministry of Training, Colleges and Universities provides funding to AlphaPlus, Ningwakwe Learning Centre to develop, produce and disseminate literacy materials and share best practices amongst Aboriginal, Deaf and Francophone serving delivery agencies.

Québec

Introduction

1588. The Government of Québec undertook to abide by the provisions of the *International Covenant on Economic, Social and Cultural Rights* by adopting Order in Council No. 1438-76 on April 21, 1976. The provisions of the Covenant have been implemented in Québec within a context of reductions in federal transfer payments during the 1990s.

Article 2: Rights Specifically Subject to Non-Discrimination Provisions

1589. The Government of Québec contributed to the reports by Canada to the International Labour Organization in respect of Convention No. 111 concerning Discrimination (Employment and Occupation), which was ratified by Canada in 1964. The report filed in August 2001 covers the period from July 1, 1999 to June 30, 2001.

1590. The purpose of the *Pay Equity Act*, which was enacted in November 1996, is to redress differences in compensation due to the systemic gender discrimination suffered by persons who occupy positions in predominantly female job classes. It is one of the most progressive laws that exist to guarantee equal pay for work of equal value, in that it applies to both the private sector and the public sector. It requires any employer whose enterprise employs 50 or more employees to establish a pay equity plan, and any employer whose enterprise employs 10 or more but fewer than 50 employees to determine the adjustments in compensation required to afford the same remuneration, for work of equal value, to employees holding positions in predominantly female job classes as to employees holding positions in predominantly male job classes. An employer whose undertaking employs 100 or more employees must also allow employees to participate in establishing the plan.

1591. The Government of Québec, in a Parliamentary Commission, examined the positions of a variety of stakeholders with the aim of combatting wage disparities based solely on the employee's date of hiring. The purpose of the *Act to amend the Act respecting labour standards as regards differences in treatment* (S.Q., 1999, c. 85) is to prohibit in an individual contract of employment, in a collective agreement under the *Labour Code*, in any other agreement relating to conditions of employment, including a Government regulation giving effect to it, or in a collective agreement decree, provisions which effectively grant an employee covered by a labour standard under the *Act respecting labour standards* or a regulation issued under it, a condition of employment less advantageous than that which is applicable to other employees performing the same tasks in the same establishment, when the difference is based solely on the date of hiring.

1592. Section 137 of the Québec Charter of Rights and Freedoms (the Québec Charter), which had permitted certain distinctions in pension plans, retirement plans, benefit plans and life insurance plans, was repealed on June 13, 1996 (S.Q. 1996, c.10). Under the new section 20.1, distinctions based on age, sex or civil status that could be discriminatory may be justified where the use of those distinctions is warranted in the type of plan in question and the basis for using them is a risk determination factor based on actuarial. The Commission des droits de la personne et des droits de la jeunesse has said that it is pleased to see the former provisions eliminated.

1593. The Québec Charter assigns responsibility to the Commission des droits de la personne et des droits de la jeunesse (the Commission) for receive complaints of discrimination and harassment, and to investigate complaints.

1594. The Commission examined 3,246 complaints of discrimination in employment between the beginning of 1995 and the end of 1999. Sex, handicap, race, colour or ethnic or national origin, and age, are the grounds of discrimination most often cited in those complaints. The most common incidents of discrimination occur in relation to dismissal, hiring and working conditions. In the same period, 631 cases were closed in the course of the investigation as a result of a settlement between the parties. Settlements may take the form of monetary compensation or agreement to cease the act complained of perform another act. The Commission initiated 123 legal proceedings in relation to employment between the beginning of 1995 and the end of 1999.

1595. The decision of the Court of Appeal in *Commission des écoles catholiques de Québec v. Gobeil* and *Syndicat du personnel de l'enseignement du Nord de la Capitale v. Morin*, [1999] R.J.Q. 1883, established that a rule whose effect is to deny pregnant women the right to be hired where they would otherwise have had access to the employment necessarily violates the right to full equality. In that case, the availability requirement creates a discriminatory distinction based on the fact that childbirth and maternity leave prevent women from securing the contracts to which they would have been entitled.

1596. Protection from harassment is separate from the protection against discrimination. The courts have defined sexual harassment as unsolicited and repeated acts, or a single act where it is particularly grave and serious that it produces effects that continue into the future (see *Habachi v. Commission des droits de la personne*, [1999] R.J.Q. 2522 (C.A.)).

1597. The Commission examined 512 complaints of discrimination in housing between the beginning of 1995 and the end of 1999. The grounds of discrimination most frequently cited in those complaints are social condition, followed by race, colour and ethnic or national origin. During the same period, 75 cases were closed in the course of the investigation, after the parties reached a settlement.

1598. A number of cases that the Commission brought before the courts continued to contribute to advancing the right to equality in access to housing. In *Desroches*, [1997] R.J.Q. 1540, the Court of Appeal confirmed that refusing to rent housing on the ground that there were more than two persons constitutes a form of age-based discrimination against children. In *Commission des droits de la personne et des droits de la jeunesse v. Sinatra*, JE 99-2197, the complainant, a freelance with insecure work, had been discriminated against on the ground of social condition. The Court referred to the Covenant in respect of the right to adequate housing. In *Whittom v. Commission des droits de la personne et des droits de la jeunesse*, [1997] R.J.Q. 1823 (C.A), the Court of Appeal held that refusal to rent an apartment to any last-resort assistance recipient, or any person whose income was equivalent or lower, regardless of those persons' actual ability to pay the rent charged, is discrimination based on social condition.

1599. The Commission published a study in 1997 identifying and describing the factors that create systemic discrimination against low-income individuals in respect of access to housing. There are a number of factors at work here in addition to the direct discrimination against low-income households. Some of the tools used for selecting tenants (rental application forms, credit investigations, requiring for co-signers, defining a maximum percentage of income to be spent on housing) may discriminate against those households in their effect. As well, the structure of the private housing market does not reflect the needs of disadvantaged groups. Evidence of this fact is the development of "high-end" units during the 1980s. The Commission has made various recommendations to both landlords and the government. It has reminded landlords of their obligation to provide housing without discrimination to everyone who can demonstrate that he or she is capable of meeting the obligations that are incurred when a lease is signed, without applying prejudices with respect to the amount or source of their income or the proportion of their income that the rent represents. It has proposed that the government, among other things, encourage and support the implementation of initiatives that would result in faster growth of affordable, decent housing stock, for example by creating an inventory of units comprised of properties seized by financial institutions in recent years. The various assistance programs created by the Société d'habitation du Québec, which are described under article 11 of this report, are meant to achieve this objective among other things.

1600. The Commission issued an opinion concerning the possibility of a community organization active in the mental health field denying services to people living with HIV-AIDS, to protect people who are not infected with the virus. The Commission is of the opinion that this kind of exclusion may be discrimination on the basis of handicap. Scientific research shows that the risk of HIV-AIDS transmission cannot be directly linked to the services offered by these organizations. Moreover, there is also nothing to stop them from doing preventive work, for example by informing users of their services about measures they should take to avoid contracting HIV-AIDS, and making their staff, including both volunteers and employees, aware of the precautions to be taken in certain specific situations.

1601. In *Commission des droits de la personne et G.(G.)*, [1995] R.J.Q. 1601 and *Hamel v. Malaxos*, [1994] R.J.Q. 173 (C.Q), the Human Rights Tribunal of Québec and the Court of Québec concluded that a dentist may not refuse to treat a person, or automatically refer that person to the dental clinic or hospital, solely because the person is HIV positive or has AIDS. They based their decision on the finding that HIV is a handicap within the meaning of the Québec Charter and that dentists have a duty to use protective measures that enable them to treat persons who carry the virus.

Article 3: Equal Rights of Women and Men

1602. Québec guarantees women's right to equality, primarily in two legal instruments: the *Charter of Human Rights and Freedoms* (R.S.Q. c. C-12) and the *Civil Code of Québec* (S.Q. 1991, c. 64). The Code came into force on January 1, 1994. It reiterates the principle of the legal equality of the spouses in the marriage, which was adopted in 1980.

1603. In the period covered, the Government of Québec enacted or amended nearly 60 statutes that have an impact on women's rights, and in particular the *Pay Equity Act*, discussed under article 2.

1604. The policy on the status of women, which was adopted in 1993, is another instrument that promotes women's equality. It is implemented through three-year action plans entitled "*Equality for All Québec Women.*"

Article 6: Right to Work

1605. Labour market conditions improved during the period covered, and prospects are now encouraging. The progress made by women aged 25 to 54 on the labour market continued throughout the 1990s, but at a slower pace than was the case earlier. The proportions of women in the labour force and in employment in 1999 are at their highest points ever (76 percent and 70 percent, respectively), and their unemployment rate, 9 percent, is the lowest since 1976.

1606. Significant numbers of jobs have been created, and the employment rate for persons aged 15 to 64 rose from 62 percent in 1993 to 66 percent in 1999. During the same period, the unemployment rate fell from 13 percent to under 9 percent. In 1998, length of time unemployment dropped, a majority of new jobs were in full-time employment, and half of the jobs created went to young people.

1607. The unemployment rate among young people aged 20 to 24 improved, falling to 13.8 percent in 1998, while the rate for people aged 25 to 29, 10.3 percent, was virtually identical to the overall unemployment rate (10.4 percent).

1608. The incidence of long-term unemployment (more than a year) is highest among older workers; in 1998, it was 21.4 percent among men aged 55 and over, and 17.7 percent among women in the same age group. Nonetheless, the situation for older workers seems to have stabilized in relation to previous years, and this might be explained by higher education levels as compared to earlier generations.

1609. The intensive examination of labour force development, access to the labour market, income support, and public employment services as a whole that was initiated by the Government of Québec in the first half of the 1990s continued over the second half of that decade. In 1996, the government called on its partners in the trade unions, management and the community to mobilize around the *Summit on the Economy and*

Employment and its broad objectives, relating to cutting the deficit and creating jobs. A number of reforms and policies were proposed in the wake of that event. They included educational reform, income security reform, the creation of the *Fund to combat poverty through reintegration into the labour market*, the policy to support local and regional development, realization of the potential of the social economy, the establishment of local development centres and local employment centres, the creation of the ministère de la Recherche, de la Science et de la Technologie and measures to support research, the economic strategy entitled *Québec: objectif emploi*, etc. The purpose of the adoption of that strategy in 1998 was of course to create a more competitive economy in Québec, but also one focussed more on human values, solidarity and concern for sustainable growth. We would also note the measures taken to promote investment and expansion in industrial sectors in which Québec already excels, such as aeronautics, telecommunications, computer technology, the pharmaceutical industry and hydro-electric energy, and the creation, in 1994, of the *Aboriginal Development Fund*, consisting of $125 million over five years, to support First Nations economic projects and community projects. In addition, to ensure that the work would be more productive, a policy to lighten the regulatory burden was implemented.

1610. Between 1997 and 1999, the Canada-Québec Labour Market Agreement was negotiated and signed. Under that Agreement, Québec is responsible, within the province, for job placement services and the active employment measures including orientation and job training. Under the *Act respecting the ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires sur le marché du travail*, in 1998, the creation of Emploi-Québec allowed for new public employment services to be established, incorporating the resources of three federal or provincial bodies that had been separate up until then. The objectives underlying this major reform were simplification, decompartmentalization and efficiency. It resulted in a spectrum of assistance programs for individuals and employers in relation to the labour force and employment being brought together under one roof, based on priorities and strategies developed with the active participation of local, regional and national labour market partners (employers, unions and the community). This public services infrastructure is available throughout Québec, and for all workers, regardless of the individual's status (unemployed, working, employment insurance claimant or income support recipient, not receiving public support, etc.). The number of programs have been reduced from about a hundred to about a dozen. Public employment services are now organized around five major focuses:

- labour force improvement, by making preparation for employment and rapid access to employment, orientation and job training available;
- support for integration into employment, particularly for persons who have employment constraints;
- maintaining employment and keeping people on the job by providing support for businesses and the labour force;
- stabilization of seasonal, part-time or precarious employment by continuing to extent the length of the period of work;
- financial, technical or other support for job-creation initiatives.

1611. The *Act respecting income support, employment assistance and social solidarity* was enacted on June 19, 1998, and came into force on October 1, 1999. The Act will be discussed in more detail under article 9.

1612. In relation to businesses, the government adopted the *Act to foster the development of manpower training* in 1995. That Act, which was implemented gradually, based on business size, required that employers with total payrolls over $250,000 spend 1 percent of their payroll annually on employee training. Businesses that do not invest the mandatory minimum must pay the difference into a special fund established for that purpose, the *Fonds national de formation de la main-d'œuvre*. A plan for the allocation of those resources is prepared by the *Commission des partenaires du marché du travail* and submitted to the Minister responsible, for approval.

1613. Vocational training in Québec is a function of secondary education, and technical training is a function of college education. Vocational and technical training is offered in more than 300 programs involving 21 training areas.

1614. The ministère de l'Éducation du Québec guides and supports the development of vocational and technical training, through integrated management of the curricula. Its activities involve the academic, physical and material organization of the instruction offered, curriculum development, the issuance of diplomas and the funding of equipment.

1615. Vocational training is offered in 173 public schools, under 70 school boards (out of a total of 72), administered by school board members who are elected for a particular geographical area and are responsible for public pre-school, primary and secondary instruction. There are also 23 private institutions and two institutions outside the system that provide vocational training.

1616. Vocational training in secondary school leads to a Diploma of Vocational Studies (DVS) for skilled trades, Attestation of Vocational Specialization for holders of a DVS who have vocational experience, and Attestation of Vocational Training for semi-skilled trades.

1617. Technical training is provided in 48 general and vocational colleges (CÉGEPs), in 24 private colleges, and in a dozen institutions outside the system. CÉGEPs are administered by boards of directors, whose members are appointed by the government after consultation with interested groups. In addition to two-year programs of pre-university instruction, CÉGEPs offer three-year technical instruction programs leading to a Technical Diploma of Collegial Studies (DCS) and to jobs as technicians. As a rule, the time required to obtain a Technical Diploma of Collegial Studies (DCS) is three years, but few students complete it in that time. A high proportion of students receive their Technical DCS within five years after beginning their studies.

1618. The measures that have been taken to improve vocational and technical education since 1994 include:

- Gradual revision of technical education curricula to make them more adapted to the context of a constantly changing labour market. Among other things, the needs for multi-skilling and the acquisition of specialized knowledge, and for information and communication technologies, are taken into account;
- Development of new programs for emerging industries, such as multimedia;
- Implementation of measures to encourage students to continue their studies in high tech, or leading to scientific careers;
- Implementation of measures to reduce the drop-out rate and improve diploma completion rates;
- Publishing a yearly list of trades and occupations in which there are good job prospects;
- Promoting non-traditional occupations for women.

1619. The success rate for full-time students in vocational education was 78.7 percent at the end of 1996-1997, and 77.7 percent in 1997-1998.

Access to equality programs

1620. In December 1998, the Commission des droits de la personne et des droits de la jeunesse (the Commission) published a quantitative review of the implementation of access to equality programs in Québec. There are four different types of access to equality programs, depending on the legal basis for the program.

1621. Voluntary programs are established at the initiative of businesses and institutions that want to promote access to equality for certain groups (women, ethnic and visible minorities, Aboriginal people, persons with disabilities). Since 1986, 76 organizations have agreed to try this experiment: 15 private firms, one trade union, 19 organizations in the education sector, 10 in the health and social services sector, 18 in the post-secondary and science education sector, and 13 municipal organizations.

1622. Programs may also be proposed by the Commission after an investigation is conducted, and imposed by a court when the Commission's proposal is not followed. Only one program has been established in this way as a result of an out of court settlement.

1623. Access to equality programs in the public service are established under section 92 of the *Charter of Human Rights and Freedoms*. Based on the available data, the Commission finds that there has been notable progress in the numbers of women in permanent positions in the public service, while the proportion of women in casual positions has not grown significantly. The total for the other groups targeted by government programs (cultural communities and persons with disabilities) has risen from 1092 to 1102, while the number of persons with disabilities employed has risen 818 to 725 between 1992 and 1996.

1624. The contract compliance program provides that businesses with over 100 employees that bid for contracts worth $100,000 or more, or that apply for subsidies in an equivalent amount, must undertake to implement an access to equality program if the contract or subsidy is awarded. A company that does not fulfil its commitments may be prohibited from bidding or applying for subsidies. At December 31, 1997, 169 businesses had undertaken to implement access to equality programs, representing 11 percent of businesses in the sectors in question in Québec with 100 or more employees.

1625. The recommendations made by the Commission in order to preserve the progress made by access to equality programs include placing government programs under Commission supervision, extending access to equality programs to include persons with disabilities, visible minorities and Aboriginal people, and expanding the scope of the contract compliance program.

Situation of women

Business start-up

1626. Despite the progress that women have made in recent years, there are still some problems on the labour market: labour market participation by women has flattened off, women have a lower rate of employment than men, women are concentrated in a limited number of occupational categories, job gains by women in the work force are lower than men's, etc. To remedy some of these imbalances, the Government of Québec supports the start-up and consolidation of small and medium-sized businesses managed by women. It facilitates women's access to credit, supports the advancement of women in the sciences and in technological innovation, and encourages women to enter non-traditional occupations.

Single-parent women heads of families

1627. Single-parent heads of families, who are almost exclusively women, face major barriers when they want to enter the labour market. They now have access to a range of incentives to obtain paid employment, whether it be income support or assistance with labour market entry: earned income supplement, medication record, back to work allowance, supplementary financial support for childcare for a pre-school child, training, flexible admission rules for training measures offered by public employment services for pregnant teenagers, etc. Taken together, these measures have proved to be a crucial strategy to support efforts to assist women with dependent children to enter the work force.

Women's economic autonomy

1628. In addition, one of the major focuses of Québec's policy on the status of women, which was introduced in 1993, is women's economic autonomy. The *1997-2000 Action Plan, Equality for All Québec Women*, identifies three priorities: preventing pregnancy among very young women and supporting teenaged mothers, supporting the advancement of women in the sciences and technological innovation, and applying gender-differentiated analysis in government practices.

"Comité aviseur femmes"

1629. The ministère de la Solidarité sociale has committed itself to developing regional expertise in respect of the living conditions of women who receive income support and developing regional action plans in cooperation with the partners concerned. Since the reorganization of public employment services in 1998, that clearly stated intention now extends to all women who need employment assistance services. Emploi-Québec established a women's advisory committee in 1996, with the mandate of promoting and supporting women in entering and remaining in the work force. The ministère de la Solidarité sociale has also created a network of regional female respondents, to ensure that the activities of local employment centres in relation to women in the work force take account, in an equitable manner, of the realities that women face in relation to employment.

Decision-making positions

1630. The program *À égalité pour décider* was launched in 1999. The purpose of the program is to provide financial support for local and regional non-profit organizations to carry out projects designed to increase the number of women in decision-making positions. It has an annual budget of $1 million, for five years. The aims of the 33 projects that were approved for the first year included providing training to strengthen women's decision-making skills and to make the members of regional and local decision-making bodies aware of the fact that women are under-represented on those bodies.

Education and training for women

1631. Although girls and women attend school longer, they are still concentrated in disciplines that do not often lead to professions or to the occupations of the future. The ministère de l'Éducation is giving this situation special attention, as are public employment services, particularly in relation to providing information and academic and occupational guidance.

Women and non-traditional sectors

1632. Activities to generate interest among girls and women in sectors that do not traditionally attract women, in terms of future-oriented sectors and, more specifically, science and technology-oriented sectors, continued and intensified during the second half of the 1990s.

Specific programs for women

1633. The creation of Emploi-Québec, and bringing active measures together in 1998, resulted in the more traditional route of offering specific programs for narrow categories of the population being abandoned in favour of an approach that is much more focussed on each person's needs and situation. Individualized integration, training and employment plans were adopted, and policy implemented to make it possible to identify groups at risk of long-term unemployment. The factors that place people at risk for longer periods of unemployment are associated with socio-economic characteristics, such as single parenting, low education levels, etc. The individualized plans have enabled women to benefit from the full range of support that is appropriate to their personal and family situations. As well, Emploi-Québec provides financial support for community organizations that offer services to women in the work force.

1634. Despite major gains made in access to education, the situation of women, both in respect of choice of occupation and once they are in the labour market, is still largely dictated by family responsibilities. That is the primary conclusion of a study conducted by the Commission des droits de la personne et des droits de la jeunesse and published in 1995. The objective of the study was to compare the education girls were receiving in comparison to boys, at the secondary school, college and university levels, to identify the factors that might result in inequality between the sexes in education and on the labour market, and to identify measures to counteract any inequality found. The study showed, among other things, that school attendance and diploma completion were higher among girls, that the education received by boys and girls was still different, but that with equivalent education, boys and girls did not have equal opportunities to enter the labour market. The results of this study confirm the importance of measures to resolve the conflicts between work and family obligations.

Situation of handicapped persons

1635. Specific actions have been taken to assist handicapped persons with job entry, designed to provide them with concrete and practical methods of obtaining paid employment or keeping their employment: preparation of hiring plans, awarding contracts for occupational integration, financial support for adapted employment centres, financial assistance for adapting workplaces, etc. As well, the network of local employment centres makes regular use of the specialized services of community organizations whose aim is to assist workers who have limitations on their abilities. Emploi-Québec provides financial support for those community organizations.

1636. To address the social integration of handicapped persons and persons with mental illnesses, the *Plan d'action en santé mentale* was adopted in 1998. It proposes that the interventions undertaken be brought closer to where people live, by organizing health and social services on a local basis and diversifying the services provided, with the aims, for example, of providing treatment and on-going contact in the community, ensuring that services are available at all times in the event of a crisis, developing personal skills, assisting with job entry, encouraging peer assistance and providing support for families and friends.

Situation of immigrants

1637. In 1995, in addition to the measures that had been instituted earlier to facilitate the integration of immigrants, an action plan was implemented. Under that plan, labour market entry services have been strengthened (employment counselling, labour market information sessions), job referrals have been made both in urban centres and outside those centres, support has been provided for self-employment and entrepreneurship, partnerships with non-profit organizations that support job entry have been cemented, and more support has been provided for activities relating to skills recognition, retraining and access to professions and various occupations.

Article 7: Right to Just and Favourable Working Conditions

1638. Québec has four labour law statutes designed to ensure fair and equitable working conditions for all workers. Some of them establish a compensation system for victims of work-related accidents and illnesses: the *Pay Equity Act* (R.S.Q., c. E-12.001), the *Act Respecting Industrial Accidents and Occupational Diseases* (R.S.Q., c. A-3.001), the *Labour Standards Act* (R.S.Q., c. N-1.1), and the *Act respecting Occupational Health and Safety* (R.S.Q., c. S-2.1). Except for the *Pay Equity Act*, those statutes were enacted before the period covered by this report.

1639. The *Act to amend Act respecting labour standards as regards annual and parental leave* (S.Q., 1997, c. 10) and the *Act respecting labour standards as regards the duration of a regular work week* (S.Q., 1997, c. 45) should be noted. The first statutory amendment extended unpaid parental leave from 34 to 52 weeks, and allowed employees with between one and five years of continuous service to request one week of unpaid leave, to extend their annual leave to three weeks, when a birth occurs. Leave for family events are dealt with in more detail under article 10. The second statutory amendment provided for the gradual reduction of the duration of a regular work week from 44 to 40 hours, by one hour per year on October 1 of each year from 1997 to 2000. The basic minimum wage was set at $6.90 per hour at the end of the period covered.

1640. With respect to occupational safety and health, the enactment in June 1997 of the *Act to establish the Commission des lésions professionnelles and amending various legislative provisions* (S.Q., 1997, c.27) should be mentioned. The purpose of that Act is to reform the entire process for challenging decisions made by the Commission de la santé et de la sécurité au travail (CSST) after an administrative review. One of the things that the Act changed was the process for doing the medical assessment of a worker who has suffered an occupational injury.

1641. Under the *1997-2000 Action Plan, Equality for All Québec Women*, the Commission de la santé et de la sécurité au travail presented six projects designed to eliminate dangers to women's health and safety on the job. The projects primarily targeted childcare centres, ambulance services, libraries and certain non-traditional occupations such as auto bodywork, automobile mechanics and construction. To date, awareness activities have been conducted with teachers in 1,200 early childhood centres and with workers in various non-traditional sectors of employment.

1642. In 1997, following on the initiatives taken at the time of the *Sommet sur l'économie et l'emploi*, a mechanism was established to assist in paying people who work in the home care services sector: the employment-service cheque (CES). The purpose of the CES is to simplify the job for handicapped persons who use home care services, to provide social protection for home care services workers, and to reduce the incidence of underground employment in this sector. Because of the nature of the eligible home care services (housekeeping, personal care, babysitting, etc.), a large number of women who are home care now enjoy greater social protections, because employers who use the CES are required to pay the employer's Québec Pension Plan contributions and Employment Insurance assessments.

1643. The Commission des droits de la personne et des droits de la jeunesse (la Commission) has examined precarious employment and its impact on equal access to social protection. Its study shows that the traditional criterion for the employer-employee relationship, or relationship of subordination, is becoming increasingly difficult to apply as the transformation of the organization of work continues, with the prevalence of self-employment increasing. In this area, there are serious inequalities between categories of self-employed workers. More specifically, the social protection available to economically vulnerable categories of workers is extremely unreliable, in terms of the risks associated with unemployment, maternity, and occupational illness and accident. Possible solutions for the disparities observed in this respect have been suggested by the Commission and proposed in a number of forums, including the *Sommet du Québec et de la jeunesse* held in February 2000.

Article 8: Trade Union Rights

1644. In 1995, the Commission des droits de la personne et des droits de la jeunesse (La Commission) examined the representation scheme established by section 64 of the *Public Service Act* (R.S.Q., c. F-3.1.1). That section provides that the Syndicat des fonctionnaires provinciaux du Québec represents all public servants who are employees within the meaning of the *Labour Code*. The general scheme established by the *Public Service Act* does not allow for a bargaining unit that is determined by the legislature *ex officio* to be split.

1645. It is the Commission's opinion that this limitation is not an unlawful interference with freedom of association. The Commission noted that section 9.1 of the Québec Charter provides that limits to the exercise of freedom of association may be fixed by law, where the limits are intended to promote respect for democratic values, public order and general well-being. The Commission also noted that the prohibition on splitting bargaining units in the public service was not contrary to the applicable international conventions.

Article 9: Right to Social Security

1646. In June 1998, the Government of Québec enacted the *Act respecting income support, employment assistance and social solidarity*, to replace the *Act respecting income security*. The statutory amendments made were designed to simplify the income support system, make it more equitable, and align it with the reorganization of public employment services in Québec. The Act defines the present assistance system, which is based on the values of social solidarity, justice and equity. Its foundation lies in section 45 of the Québec Charter, which gives every person in need the right to measures of financial assistance provided for by law, susceptible to ensuring such person an acceptable standard of living. The new Act has been in force since October 1, 2000.

1647. This has been an integrated process, at the end of which Québec policies regarding employment and social solidarity were completely reorganized in order to remove major barriers to employment, while at the same time reaffirming the solidarity of Québec society.

1648. Québec provides financial income support assistance to people with little or no means of subsistence and those of their dependants who are not capable of providing for their own needs. Assistance is provided both to persons who are able to work and to those who are temporarily or permanently incapable of working. The basic financial assistance provided depends on the family composition (adults and children). The essential needs recognized are covered in full for persons who are permanently incapable of working. Special benefits or additional assistance are also available in certain circumstances.

1649. In addition, the Government of Québec has instituted a range of employment assistance measures and services to support people in their efforts to integrate socially and occupationally: for example, training and support with job searches. Social assistance recipients who participate in these measures receive a supplement to the basic financial assistance provided. As well, the obligation to seek employment does not apply to adults who are taking part in an employment assistance measure or another activity by agreement with the Minister, for instance under an *Individualized Integration, Training and Employment Plan*. The purpose of these *Individualized Plans* is to assist recipients, and especially young persons and single-parent heads of family, to achieve long-term integration into the labour market.

1650. At March 31, 1999, the Government of Québec was supporting 661,276 recipients in 410,554 households. Over $3.2 billion was spent on financial assistance measures in 1998-1999, representing 7.05 percent of Québec's budget expenditures in that fiscal year.

1651. Benefits are paid for out of Québec's Consolidated Revenue Fund. The federal government contributes to the funding of the program under the Canada Health and Social Transfer.

1652. A number of improvements came into effect in 1998-1999, representing about $55 million in additional funding for financial assistance programs alone. They include:

- an increase in the income from employment that recipients who are capable of working are permitted to earn;
- an increase in the amount of the exemption for the net value of a residence, from $60,000 to $80,000;
- an increase of $100 per month for single-parent families sharing a residence;
- exempting the first $100 per month of support payments in calculating the benefit for families with one or more children under the age of five;
- the creation of a lump sum payment of $500 to persons who enter the labour market.

1653. Benefits were increased in January 1999, at a cost of $18.8 million.

1654. After examining the Third Periodic Report of Canada, the Committee on Economic, Social and Cultural Rights expressed its concern that Québec had adopted mandatory employment programs. There are in fact no such mandatory employment programs. Rather, recipients are asked to make reasonable efforts to recover their economic and social autonomy. For that purpose, the *Act respecting income support, employment assistance and social solidarity* provides that an adult who receives benefits must not, without serious cause, refuse a suitable employment; otherwise, his or her benefit may be reduced. There may be an administrative review of that decision, and it may be appealed to the administrative tribunal. The Act also provides that an adult must make such efforts as are appropriate in his or her circumstances to find suitable employment, as defined by section 48 of the Act.

1655. Observations made, for example, by the OECD, to which Québec fully adheres, show that the strategies that have the most chance of successfully combatting social and economic exclusion of individuals who depend on income support are based on a principle of reciprocity. That principle holds that the state must provide recipients with allowances that enable them to meet their subsistence needs, but also encourage their reintegration into the labour market.

1656. The Committee also expressed concern that in Québec the government has enacted legislation providing for the payment of benefits directly to landlords, without recipients' consent. While the Act does include a measure providing for payment of a portion of the benefit to the lessor where the lessee is a recipient of a benefit and is in default in respect of payment of rent, the government has not adopted the sections of the Regulation respecting income support that would allow the provision of the Act in question to be applied. The Government of Québec is still trying to find a solution to non-payment of rent that will be satisfactory for both landlords and benefit recipients.

Article 10: Protection of the Family, Mother and Child

1657. In September 1997, a new family policy was implemented in Québec.

Protection of the family and assistance measures

1658. The objective of all of the reforms in this area is to offer low-income working men and women, and especially those who have dependent children, the same benefits as are available to households receiving income support.

Family allowances

1659. The new system of family allowances is a good example of the philosophy behind Québec's intervention strategy. It came into effect in September 1997, and brings together all government assistance to cover the basic needs of children under the age of

18. Adopting this approach makes it possible to administer the coverage of children's needs separately from the social assistance given to adults with little or no income. The allowance is paid based on parents' income, regardless of whether they are working or receiving income support, and enhances equity between social assistance recipients and low-income workers, thereby making it more possible for individuals with family responsibilities to remain in or enter the work force.

Supplementary assistance for children

1660. Since September 1997, supplementary assistance for children has been paid to low-income families. It combines the new family allowance and the National Child Benefit Supplement (NCBS). The amounts paid under these two programs depend on a family's income level.

Allowance for disabled child

1661. The purpose of the allowance for a disabled child is to help parents, or persons standing in the place of parents, to provide for the special needs of a disabled child under the age of 18 who has a severe permanent physical or mental disability, and whose condition requires special measures for treatment, rehabilitation, retraining or education. It is paid monthly and is not taxable.

Parental Work Assistance

1662. The aim of the Parental Work Assistance Program (PWA) is to assist low-income families with at least one dependent child to find or keep employment. The assistance offered to low-income families who have employment income includes a supplement to family income and, where applicable, partial reimbursement for eligible child care expenses. In 1998-1999, $54.9 million was paid to over 20,400 families under this program.

Tax measures

1663. There are a number of tax measures that enable families with children to reduce their income tax. These include non-refundable tax credits for dependent minor children, single-parent families, low-income families, adult children attending post-secondary educational institutions and handicapped adult children.

1664. In addition, the Québec income tax system offers refundable tax credits that are more in the nature of a cash transfer than a tax reduction. The main refundable credits that families may claim are intended to compensate for part of the expenses incurred for child care, adopting a child and infertility treatments. As well, the Québec Sales Tax (QST) credit reduces the consumption tax burden for low-income and middle-income families and protects the progressive structure of the tax system.

Childcare services

1665. There are two programs in Québec to subsidize the cost of childcare services for parents. The first is childcare services at minimum cost ($5 per day per child) for children aged 2, 3 and 4 on September 30, 1999. This measure is one element in the new family policy, the aim of which is to create a network of early childhood centres (ECCs). The ECCs offer educational childcare services. For children under the age of 2, low-income parents can obtain financial assistance through the Exemption and Financial Assistance Program for childcare. Childcare services at minimum cost are also offered for school-aged children attending primary school. Other assistance measures are provided specifically for certain income support recipients.

Maternity and paternity protection and leave

1666. The program Pour une maternité sans danger has been administered since 1981 by the Commission de la santé et de la sécurité au travail (CSST) under the *Act respecting Occupational Health and Safety*. The objective of the program is to give pregnant or lactating workers the opportunity to be assigned to safe duties when there are risks to the woman's or baby's health in performing her usual work. If the employer is unable to assign the woman to another position where there are no risks and dangers, the worker is entitled to stop working and receive compensation representing 90 percent of her net wages.

1667. In 1998, the CSST received 21,000 applications for compensation, 19,832 of which (94 percent) were approved. In 1998, $92.2 million was paid in compensation.

1668. The Government of Québec has continued to offer a maternity allowance to partially make up for the two-week gap between the time a pregnant worker leaves work and the time she begins receiving maternity benefits under the federal government's employment insurance program.

1669. In Québec, the *Labour Standards Act* provides for leave for certain family events. Employees who are denied their rights may complain to the Commission des normes du travail.

1670. Generally, working women in Québec are entitled to unpaid maternity leave (the federal government pays 15 weeks of maternity benefits) for a maximum of 18 consecutive weeks. When she returns to work, the worker is entitled to return to her usual position with the same pay and benefits as if she had remained at work.

1671. The father and mother of a newborn, and a person who adopts a pre-school-aged child, are entitled to unpaid parental leave (the federal government pays 10 weeks of parental leave benefits). Since 1997, the maximum time for parental leave has been raised to 52 consecutive weeks (previously 34 weeks). Provisions for returning to work depend on the length of the leave taken. For instance, if the parental leave was no more than

12 weeks, the employee keeps his or her usual position with the same benefits, including the pay to which the employee was entitled if he or she had stayed at work.

1672. If the leave lasts longer than 12 weeks, the employee is not guaranteed his or her usual position by the law. The employer is only required to assign the employee to a comparable position in the same establishment, with pay at least equal to what the employee would have been entitled to if he or she had stayed at work, and, where applicable, equivalent retirement and insurance plans.

1673. An employee may be absent from work for five days a year without pay to fulfil obligations relating to the care, health or education of a minor child, where he or she is required to be present because of unforeseeable circumstances or circumstances beyond his or her control. This leave may be divided into days. A day may also be divided if the employer consents.

1674. A father may take five days off from work for the birth of his child or the adoption of a child. The first two days off work are paid if the employee has 60 days of continuous employment. A person who adopts his or her spouse's child is entitled to two days off work without pay.

1675. Under the Politique de périnatalité of the ministère de la Santé et des Services sociaux, a pilot project was conducted in 1995 in three regions of Québec to assess the possibility of collaboration between the Travail-Québec centres and the CLSCs (local community service centres) so that pregnant women receiving employment insurance could be referred early in their pregnancies to perinatal services in their communities. The evaluation report was published in 1996, and led to this experiment being extended to all of the regions of Québec, over a three-year period.

1676. The Government of Québec also believed it was essential to take action to prevent pregnancies among very young women and to provide support for teenaged mothers, since the consequences of pregnancy in very young women are often tragic. This problem was one of the priorities identified in of the *1997-2000 Action Plan, Equality for All Québec Women*. An interdepartmental committee was established to develop government policy and an action plan.

1677. The practice of midwifery was legalized in September 1999. Public funding, and access to the services of midwives at no charge, are provided. Midwives may attend births both at home and in hospital. A training program for midwives, leading to an undergraduate university degree, has been offered since the fall of 1999. The objective is to train about 200 midwives by 2008.

1678. Women who receive income support are entitled to special benefits in addition to the monthly benefits: $40 per month to improve nutrition during pregnancy, and $50 per month during the first year of their child's life, for mothers who decide to breastfeed their babies, or financial support to purchase regular, soy-based or lactose-free formula for a newborn. This support is paid until the child is 9 months old, or one year old if the child is intolerant to cow's milk or lactose or has other difficulties.

Protection of children and young persons

1679. These issues were addressed in Québec's contribution to the First and Second Reports of Canada on the *Convention on the Rights of the Child.*

1680. During the reference period, the Government of Québec has developed a measure to supplement the existing measures in force to implement article 10 of the Covenant, by enacting the *Act to amend the Act respecting labour standards and other legislative provisions concerning work performed by children* (S.Q., 1999, c.52). That Act, which was proclaimed on November 5, 1999, provides that an employer may not have work performed by a child that is disproportionate to the child's capacity, or that is likely to be detrimental to the child's education, health or physical or moral development. It also prohibits work at night and during school hours.

1681. In addition, the article of the Civil Code that imposed a support obligation on grandparents to their grandchildren, and vice versa, was eliminated in 1996. This was an alternative and exceptional measure, since parents are responsible for providing for the needs of children in the first place. All things considered, it seemed that this measure provided no real benefit for children, and ran the risk of poisoning relations within families.

Article 11: Right to an Adequate Standard of Living

1682. A fund to combat poverty and promote labour market re-entry was created in 1997. The fund has a budget of $250 million over three years. Its purpose is to support job-creation initiatives for people who are most affected by exclusion and poverty.

Housing situation

1683. Government assistance to the most vulnerable households has risen since 1994. The portion of the budget of the Société d'habitation du Québec (SHQ) that goes to low-income households rose from 94 percent to 99.9 percent, and in total figures rose from $462.4 million to $499 million.

Changes in housing subsidies	
Year	Social and community housing assistance (in $million)
1994	3,641
1995	3,766
1996	3,724
1997	3,773
1998	4,398
1999	4,408

Source: Société d'habitation du Québec, financial statements

1684. The 1996 census data compiled by the Canada Mortgage and Housing Corporation indicate that 473,000 households in Québec have urgent housing needs. About 76 percent, or 360,000, of those households are renters, while 113,000 are owner-occupants. Of the households with urgent needs, 82 percent of the renters and 72 percent of the owner-occupants are in this situation because of financial problems. In other words, these households are spending more than 30 percent of their income on rent.

1685. Households are poorly housed because of overcrowding or the need for major repairs to their housing units. There are 64,800 renter households that are poorly housed, that is, 18 percent of the renter population with urgent housing needs. There are 31,640 poorly housed owner-occupant households, representing 28 percent of the owner-occupants with urgent housing needs.

1686. The latest census figures also show that single people make up more than 56 percent of renter households that spend over 30 percent of their income on housing.

Coverage of renter households with financial accessibility problems, by age group (March 31, 1998)

Age group	**Paying over 30 percent of income for housing**		**Receiving housing allowance**	
	No	percent	No	percent
Under 55	345,775	67	81,468	56
55 to 64	58,730	11	25,427	17
65 and over	114,165	22	39,139	27

Source: Statistics Canada, 1996 Census of Canada, and SHQ, social housing branch

1687. To meet the most urgent housing needs, particularly among low-income families, seniors, especially those suffering from loss of autonomy, persons with disabilities, the Inuit, homeless persons and women and children who are victims of violence, Québec has adopted an action plan for the coming years.

1688. To that end, a *Fonds québécois d'habitation communautaire* was created in 1997, with a recurring annual commitment of $43 million, plus partner contributions, to ensure that new housing units are produced every year. The community housing policy has resulted in the creation of new programs.

Social and community housing

1689. The *Accès Logis* program, which was created in 1997, enables housing cooperatives and non-profit organizations to produce community housing, with a minimum contribution from their communities, for low-income or moderate-income households. Over 2,050 units have been built.

1690. The *Allocation-logement* program, which was created in 1997, offers financial assistance for low-income households that spend too high a proportion of their budget on housing. Over 148,000 people benefit from this program, including persons 55 and over, families, roomers and immigrants. (This program results from a merger of the *Logirente* program for seniors and the special housing allowance benefit of the ministère de la Solidarité sociale for families receiving income support).

Social partnerships

1691. The *Programme d'aide aux organismes en habitation*, which was created in 1996, subsidizes the operations of organizations dedicated to defending and promoting housing rights. The *Programme d'aide aux associations de locataires d'habitations à loyer modique*, which was created in 1998, supports a variety of community action projects to benefit low-rental housing tenants.

Habitat improvement

1692. The *Shelter Enhancement Program* (SEP), which was created in 1995, supplements *Project Haven* (1988-1992) and *Next Step* (1991-1995), two federal programs to assist in arranging housing for women and children who are victims of family violence. Under the SEP, interest-free loans are given to community groups to renovate or build shelters and housing units. These projects have resulted in improved access, use and financial viability for shelters. Over 1,588 beds have been made available to date.

1693. The *Programme d'achat-rénovation de logements sociaux et coopératifs*, which was created in 1995, was created to produce housing (buy buying and renovating, recycling or new construction) intended primarily for a low-income or moderate-income clientele who belong to housing cooperatives or non-profit organizations. Over 1,135 housing unites have been assisted through this program.

1694. The *Programme de revitalisation des vieux quartiers*, which was created in 1996, provides support for cities that invest in efforts to rehabilitate their older neighbourhoods. Over 10,310 housing units have been renovated.

1695. The *Programme Réno-Village*, which was created in 1997, assists low-income owner-occupants whose homes are located in municipalities with a population under 5,000, or in areas that do not have water and sewer services. Over 4,366 housing units have been renovated under this program.

Projects in Nunavik

1696. The Nunavik residential park has 128 new social housing units. As well, a budget of $10 million has been committed for the construction of 43 new social housing units in 1999.

1697. Québec has programs for access to ownership, renovation and purchase-renovation that have resulted in housing units being built, purchased or renovated, thereby freeing up social housing units for other households.

Situation of homeless persons

1698. It is a difficult if not risky undertaking to estimate the number of homeless persons with any accuracy. It is estimated that there are over 15,000 people in Québec who have used the services of shelters for the homeless at least once over the course of a year. However, strictly speaking, there are not 15,000 people sleeping on the streets every night in Québec. However, that figure is an indicator of the situation of homeless persons.

1699. Québec has been engaged in on-going efforts to assist populations who are homeless or at risk of becoming homeless since 1987. Since 1994, one of the initiatives undertaken is a social housing program specifically for this population. One component of the *Accès Logis* program, which is designed for special-needs populations with a variety of problems, has led to the creation of 269 housing units targeted directly for people who are homeless or at risk of becoming homeless.

1700. In an effort to provide a viable solution for the complex problem of homelessness, the Société d'habitation du Québec (SHQ), in addition to focussing on permanent housing, has adopted a more direct and preventive approach, by creating rooming houses with "community support." The advantage of this strategy is that it provides rooms for various at-risk populations, and at the same time provides accommodation for homeless persons and enables them to reacquire autonomy in the short and medium term.

1701. To carry out this preventive strategy, SHQ works jointly with public, community and charitable organizations, and uses housing products and services that are adapted to the unique characteristics of individuals with special problems. SHQ has developed interdepartmental initiatives with the goal of harmonizing its housing strategies with those implemented by the health and social services system. It also participates in a number of coordinating committees dealing with the problem of homelessness, in partnership with public and community organizations as well as municipal governments.

Programs	Number of households or units
Housing allowance for low-income roomers in 1999	12,642
Purchase-renovation (roomers – studios) since 1995	240
Accès-Logis (persons who are homeless and at risk of being homeless) including mental health problems, alcoholism, since 1997	269
SEP (Shelter Enhancement Program), since 1997	1,553
PRVQ (old neighbourhood revitalization), since 1995	128
Total	**14,832**

Situation of women

1702. Women who are responsible for a majority of household expenses account for 37.1 percent, or 1,046,525, of all households in Québec.

1703. About 75 percent of Québec households that receive housing assistance are headed by a woman alone, representing about 183,000 housing units. In the case of the Allocation-Logement program, about 90 percent of recipient households are headed by lone women, representing about 135,000 households. In 1999, SHQ produced a quantitative profile of women's housing situation, which was distributed in the spring of 2000.

Situations of persons with disabilities or suffering from loss of autonomy

1704. Over 11.9 percent of the population of Québec reports having a disability, which may vary from slight to severe. Of those people, 90.7 percent occupy housing units, and the rest reside in institutions. An aging population and the objectives of integrating people with disabilities into the community and keeping them in familiar surroundings are factors that are creating more need for residential adaptation.

1705. For persons with disabilities, nearly 9,117 households or housing units had received government assistance provided by a range of programs at December 31, 1999. For persons suffering from a loss of autonomy, nearly 3,797 households received government assistance during that period.

Situation of immigrants

1706. In Québec, 12 percent, or 332,795, of households are supported by a person born outside Canada. A large proportion of immigrants, nine out of 10, live in the metropolitan

Montreal region: there are 236,740 immigrant households in the Montreal Urban Community, six out of 10 of which live in the city of Montreal.

1707. The households that experience the greatest financial insecurity are those that belong to a visible ethnic group. The proportion of income spent on housing in households where the supporting member was born outside Canada is much higher than for households supported by a person born in Canada (40 percent of such households spend 30 percent or more of their income on housing versus 26 percent of households supported by persons born in Canada). More than half of West Indians (50 percent), Africans (51 percent) and Latin Americans (52 percent) spend 30 percent or more of their income on housing.

1708. The strategies developed by the Société d'habitation du Québec (SHQ) for these populations are as follows:

- in 1999, produced a quantitative profile of the housing situation of immigrant households in Québec, which was distributed during 2000;
- participated in the revision of the *Guide à l'intention des nouveaux arrivants – Comment se loger au Québec* to assist newcomers in finding house, which was produced in cooperation with the ministère des Relations avec les citoyens et de l'Immigration, the City of Montreal and other public and private partners;
- in 1999-2000, continued the community action program relating to a low-rental family housing complex in Montréal-Nord that was experiencing critical situations associated with impoverishment and inter-ethnic relations;
- continued to provide SHQ support for social housing organizations and managers in relation to the implementation of training and information tools to facilitate the process of including and integrating immigrant households.

Collection and determination of support payments

1709. The high rate of non-payment of support is one of the factors in the poverty experienced by single-parent women heads of family. To remedy that situation, the government of Québec instituted a universal support collection program in 1995. Among other things, the *Act to facilitate the payment of support* makes life easier for the support creditor by reducing the tension and risk of blackmail and violence between the former spouses, reducing delays in payment, and standardizing payment times. The Act provides for support to be paid bi-monthly. Where payment is not made, the government department responsible for administering the program is able to pay the creditor the equivalent of up to three months' support payments (to a maximum of $1,000).

1710. Another factor in poverty is the inadequacy of the child support payments ordered in separation and divorce judgments. A new model for determining child support payments came into force in Québec on May 1, 1997. It provides a uniform method for calculating child support payments in a separation or divorce. The amount of the support is calculated based on both parents' incomes, the number of children, the time the children are in each parent's custody and, where applicable, certain additional expenses associated with the needs of the children. One of the aims of this new model is to affirm the parents' joint responsibility for the children and to ensure that the children's essential needs are covered.

Article 12: Right to Physical and Mental Health

1711. Since the early 1970s, the entire population of Québec has had access to medical services at no charge to users for any part of the cost.

1712. For the delivery of services, Québec has skilled and devoted medical professionals who serve a population which enjoys a universal free health plan, in which individuals have access to the physician of their choice. In terms of medical resources, there were 14,112 physicians to serve an eligible population of 7.2 million in 1998: a ratio of 196 physicians per 100,000 population, which puts Québec high on the list of industrialized societies.

1713. In the last few years, a number of measures have been implemented to ensure that medical resources are distributed fairly and equitably, and particularly in order to serve remote populations properly.

1714. As well, the Prescription Drug Insurance Plan that was created in 1997 has provided some 1.4 million people, many of whom are people with modest incomes or who were not insurable, with insurance coverage for prescription drugs when they are needed for their health. Drugs are included in the universal health care plan, and a contribution based on income must be made. Children in low-income families may obtain the prescription drugs they need free of charge, and seniors and income support recipients do not pay premiums but must pay a deductible.

1715. A number of measures have been implemented since 1994 to prevent child mortality and support children's development. Several projects were carried out to strengthen preventive and health-promotion intervention with children and their families. Maternal and infant mortality and morbidity rates reflect the efforts that have been made:

- For Québec as a whole, the infant mortality rate fell from 7.5 per 1,000 births in 1984 to 5.5 per 1,000 in 1997; the 1997 mortality rates per 1,000 births were 6.0 for boys and 5.0 for girls;
- perinatal maternal mortality is so low in Québec (fewer than 10 cases annually) that it has not been a matter of public concern for several years.

1716. The Government of Québec has also updated its perinatal policy, which was adopted in 1993. The perinatal policy focuses on developing environments that are beneficial to parents-to-be and newborns, developing a complete range of ongoing services that meet the needs of parents-to-be, and developing innovative approaches for supporting parents. The policy has been supplemented in recent years by the development of a program to support parents and their newborns when they leave the hospital.

1717. In 1997, the Ministère de la Santé et des Services sociaux (MSSS) adopted its *Priorités nationales de santé publique 1997-2002*. Those public health priorities include children's social adaptation and healthy development. Four specific measures have been identified to promote healthy development for small children:

- an integrated perinatal health promotion and prevention program that includes social services, health services and educational services for parents and small children from disadvantaged backgrounds;
- an integrated early stimulation program for pre-school children (aged 2 to 4) which is based on the cooperative efforts of health and social services institutions and early childhood child care. It focuses on offering children stimulating activities to promote their overall development, as well as providing information, advice and assistance to parents to help them perform their role as educators;
- breastfeeding support activities, with the goal of having 80 percent of mothers breastfeeding their babies when they leave hospital, and 60 percent and 30 percent of mothers still breastfeeding in the third and sixth months of their child's life, respectively. These activities are part of an initiative to provide mothers and families with support and education;
- general measures to support fathers' involvement in childcare and child-rearing. A significant movement has grown up in Québec in this area, and the Ministère wants to have a frame of reference for supporting the development of activities that promote the role of fathers, in all of the services within the health and social services system.

1718. The life expectancy at birth of people in Québec has risen significantly in the last two decades. It rose by five years, going from 69.5 to 74.9 years for men and from 76.9 to 81.2 years for women. There is still a gap between the sexes, although it narrowed slightly in the last two decades (7.4 years in 1976 and 6.3 years in 1997). This is mainly a reflection of the fact that men continue to die younger of cardiovascular disease, cancer, suicide and accident.

1719. Suicide has been recognized as a major health problem in Québec. In 1995, 1,442 people died by suicide in Québec: 1,144 men and 298 women. Suicide is the leading cause of death among men under 40, and the second most common cause of premature death among Québec men in general. The problem of suicide therefore warranted special measures being taken. In February 1998, the MSSS adopted the *Stratégie québécoise d'action face au suicide*. The aim of the suicide action strategy is to mobilize the health and social services system and its partners so that together, they can do more to prevent suicide.

1720. Working jointly with the ministère de l'Environnement and with the other appropriate government authorities when needed, MSSS is involved in a number of areas like surveillance activities relating to health problems associated with the environment, and in conducting epidemiological studies, identifying and assessing toxicological risks, analysing the health impacts of industrial projects, managing health problems among the affected populations (medical analyses, treatment, decontamination), etc.

1721. In the area of public health, and more specifically infectious disease, MSSS has devoted particular efforts since 1994 to a free hepatitis B vaccination program for high-priority populations, and a pneumococcus vaccination program for people aged 65 and over.

1722. In recent years, surveillance of infectious diseases has been expanded significantly. For diseases under surveillance, a strategy has been developed for emerging infections such as streptococcus, West Nile encephalitis, and epidemic diarrhea. To complement Canadian initiatives, heightened surveillance of influenza has also been implemented. New technologies are being studied so that we can increase our capacity to analyse the data available and provide decision-makers with more useful information in a timely manner.

1723. Since 1989, under the *Stratégie québécoise de lutte contre le sida*, services have been created to provide care for people living with HIV and prevention activities developed for vulnerable populations, and action has been taken to monitor the progress of the epidemic and support research in this field.

1724. In 1994, the La Commission des droits de la personne et des droits de la jeunesse published a report on a public consultation concerning violence and discrimination against gay men and lesbians. In 1997, in response to its recommendations, MSSS adopted a policy to adapt social and health services to the realities of their lives. The policy promotes training for service providers and the adaptation of services to this population, in cooperation with community organizations.

Article 13: Right to Education

1725. In 1998, the Government of Québec embarked on a large-scale reform of the education system, which resulted in, among other things, the revision of the *Education Act* and the creation of a policy on school adaptation. The policy is designed to ensure that schools are adapted to the needs of all students. It stresses early intervention and meeting students' needs to ensure that they have a better chance to succeed.

1726. The revision of the law provided an opportunity to reaffirm the right of handicapped students to have access to education, the obligation to work with parents to develop an intervention plan, having regard to the evaluation of the student and his or her needs, and the priority placed on integrating students with special needs into regular groups or classes.

1727. There are other measures that also have an impact on the academic success of students with handicaps and children with difficulties, including:

- improved financial support and integration into regular classes;
- improved and accessible information and communication technologies;
- reduction of administrative constraints by reducing the number of categories of students with difficulties or handicaps;
- development of a reference framework to guide interventions with students at risk;

- making schools more open to parents and partners.

1728. Adults' right to an education is recognized in the *Education Act*. In 1994, the introduction of the *Basic adult general education regulation* confirmed Québec's commitment to offering the entire adult population a basic education, including literacy, and making it accessible throughout the province.

1729. The orientations adopted in relation to the development of basic education reflect the idea of enabling everyone to fully exercise his or her social, economic and cultural roles, without regard for religion or race. Québec has adopted special rules for adult education programs for the Aboriginal population, with the objective of respecting their culture.

1730. The ministère de l'Éducation has also provided school boards with the financial resources to ensure that these services will be free of charge to anyone who wishes to achieve an academic level equivalent to nine years of basic education.

1731. In December 1997, on the question of access to loan programs for post-secondary education, the ministère de l'Éducation enacted the *Act respecting financial assistance for education expenses*, amending the *Act respecting financial assistance for students*. As well, since April 1997, financial assistance to students has been an autonomous unit of the ministère de l'Éducation, with a mandate to promote access to full-time vocational secondary education, college education and university education. Although the student loans and grants program is based on the principle that students bear primary responsibility for the costs of their education, the main objective is to remove the barrier represented by a lack of resources to attend school full-time by granting adequate financial assistance to anyone who has the desire and ability to study.

1732. There are other measures to supplement the main program that are designed to meet special needs:

- deferred repayment for persons in precarious financial situations;
- grants for persons with significant functional deficiencies;
- grants for student association elected representatives;
- loans for the purchase of personal computers;
- summer grants for francophones outside Québec;
- the study-work program;
- the debt relief program.

1733. Since 1994, there have been changes to the loans and grants program designed to reduce student indebtedness while preserving the assistance provided for those most in need.

1734. The Commission des droits de la personne et des droits de la jeunessse analyzed some of the demands made by the Québec student movement in relation to article 13 of the Covenant. That study first summarizes the nature and scope of the commitments made in the Covenant, based, *inter alia*, on General Observation No. 3 of the Committee on Economic, Social and Cultural Rights, relating to the nature of the obligations of the

States parties. That is followed by observations based more specifically on the right to an education recognized by article 13. The topics addressed are free education, freezing university tuition fees, the loans and grants program, the method of selecting university students and cutbacks in government education funding. The Commission has submitted the results of the study to the leading university and college student federations.

Situation of immigrants

1735. In the fall of 1998, the ministère de l'Éducation published a policy on educational integration and intercultural education, *A school for the future*. The policy is addressed to all primary and secondary educational institutions in Québec, and states the broad focuses for intervention that should guide the actions taken by the education community to promote the educational integration of immigrant students and prepare them to live in a world characterized by diversity and interdependencies.

1736. One of the principles for those actions, which is the reference point for the policy statement and to which Québec schools look in dealing with ethnocultural, linguistic, religious and other diversity, is that equality of opportunity must be promoted. This implies that educational institutions have an obligation to all students under their responsibility, to fulfil their mission to educate, socialize and provide skills, whatever the students' characteristics (ethnic origin, mother tongue, social condition, sex, religion, etc.).

1737. Québec's educational integration and intercultural education policy is also based on the principle of education for democratic citizenship in a pluralist society, and proposes that students must be prepared to play an active role in a democratic Québec society.

1738. The ministère de l'Éducation has developed a Plan of Action (1998-2002) which accompanies the policy and includes a variety of measures to concrete the guidelines. Its objectives include sharing of responsibility by all players in the educational system for integrating immigrant students and ensuring their educational success. This means using the Programme d'enseignement des langues d'origine, ensuring proficiency in French as the language of instruction and the common language of public life, recognizing diversity and respecting democratic values, and adequate representation of ethnocultural diversity among school staff.

Situation of Aboriginal people

1739. The ministère de l'Éducation continues to offer Aboriginal people educational services that are adapted to their unique cultural and language needs. On the question of language, the *Charter of the French Language* gives Amerindians the right to instruction in their mother tongue. Special arrangements have been made for the Inuit, Cree and Naskapi to determine for themselves the extent to which French or English will be used as languages of instruction.

1740. Activities in Amerindian and Inuit communities, in cooperation with all of the administrative units of the ministère de l'Éducation, have focused on promoting the development of resources that are adapted to the special characteristics of the various Aboriginal communities in Québec. The work of adapting educational resources is based on projects designed for the Aboriginal communities.

1741. Those projects are carried out either by Amerindian groups or by educational organizations that have an Amerindian clientele, and take into consideration the needs expressed and resources available. The following are examples:

- adapting curricula, pedagogical guides and didactic materials, particularly in areas where language and culture are of considerable importance;
- adapting pedagogical rules to certain aspects of Aboriginal life, such as the conditions for issuing secondary studies diplomas, the academic calendar, approval of curricula, pedagogical evaluation, the conditions for transferring from one institution to another and pedagogical support for students;
- developing varying pedagogical approaches to be used in intercultural education.

1742. Institutions of postsecondary education in Québec have developed expertise in education for Aboriginal people. Since 1971, the Université du Québec à Chicoutimi (UQAC) has worked in partnership with the First Nations. In 1993-1994, a Centre d'études amérindiennes was created to respond to the needs expressed by Aboriginal people. In addition, UQAC offers a variety of certificates, mainly in education, science, multidisciplinary programs, administration, psychology and languages, to respond to the needs of Aboriginal people, who are involved in the administration of the Centre d'études. The research section has produced a number of publications to its name on the languages, population, history and culture of the First Nations.

1743. McGill University in Montreal has an Aboriginal teacher training program. The program was first developed for the Inuit, in close cooperation with the Kativik School Board, and then extended to the Cree, in cooperation with the Cree School Board, and also to a number of other First Nations, including the Algonquin, the Miq'Mak and the Mohawk. In addition, McGill University also developed a program for the Inuit to train social workers.

1744. The ministère de l'Éducation has a policy of promoting access to post-secondary education by encouraging flexibility and cultural adaptation to meet the needs of Aboriginal people, while at the same time maintaining the standards and requirements of any diploma.

Disabled children

1745. An analysis of the proportion of students who are in regular classes suggests that there is a slight trend toward greater educational integration of students with disabilities.

1746. Of the thousand disabled students who are now in kindergarten, more than 50 percent are attending regular classes. During the 1987-1997 period, the proportion of disabled students in regular classes at the pre-school level varied between 50 percent and 60 percent.

1747. At the primary school level, there has been more integration into regular classes. The proportion of students with disabilities in regular classes rose from 29 percent in 1987-1988 to 42 percent in 1996-1997. An analysis of the proportion of students in regular classes also indicates an upward trend in the secondary schools; in 1987, 10 percent of students were in regular classes, and ten years later the figure was 18 percent. Disabled students are increasingly attending post-secondary educational institutions.

1748. The ministère de l'Éducation has over a dozen programs that support access and adaptation of instruction for students with disabilities from the pre-school level to university. The first way in which this is done is to provide adapted services for students with disabilities by funding the school boards. It also funds a portion of supplementary services, support in class, adaptation of school materials, etc. About $200 million is distributed to the school boards on an annual basis.

1749. In addition to this, there are supplementary allowances that cover the organization of child care services in the schools, responses to the educational needs of disabled students who remain at home, the development of regional and supra-regional educational services and support for integrating disabled students, innovative projects to integrate disabled students, etc. The ministère de l'Éducation invests about $12 million in these supplementary allowances.

1750. In addition to those allowances, there is a program to subsidize the purchase of textbooks in Braille by school boards, and a program that provides allowances for the special needs of children with major functional deficiencies that covers the costs incurred for interpreting, note-taking, in-class support or tape-recording readings. That program also covers technical aids that are not subsidized by other organizations. Since 1998, the ministère de l'Éducation has provided funding for adapted school transportation where necessary.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

Cultural life

1751. As part of its cultural policy, the Government of Québec has intensified its efforts to promote participation by all Québecers in cultural life.

1752. More precisely, during the period covered by the report it has implemented three major sectoral policies:

- the *Politique de diffusion des arts de la scène* to promote public access to a diverse range of performing arts throughout Québec;
- the *Politique de la lecture et du livre* which has led, among other things, to the implementation of a variety of measures to enhance the quality of services in public and school libraries;
- the *Politique québécoise de l'autoroute de l'information* which has as one of its priorities to increase the use of the information highway.

1753. Some of the other important measures that have been taken to promote cultural development are:

- creating the Journées nationales de la culture, to make the public more aware of cultural life in all its forms, by having three days every year when cultural activities are offered free of charge in a festive atmosphere;
- increasing the budgets allocated to assisting community and Aboriginal media, to stimulate and strengthen the dissemination of information outside of the major urban centres;
- creating a program to assist in restoring religious heritage sites of any denomination: churches, synagogues, temples, presbyteries or convents;
- creating a program to provide access to the information highway in public libraries, through the installation of 1,115 access points in 830 public libraries;
- ten years after it came into force, updating the *Act respecting the professional status and conditions of engagement of performing, recording and film artists*, the ultimate and central aim of which is still to improve the minimum conditions of employment for self-employed artists.

1754. The ministère de la Culture et des Communications has also continued its coordination efforts, to find municipal partners with which to work in order to better respond to the public's needs. For example, it has signed new cultural development agreements, and renewed others, with the largest municipalities in Québec and helped them to implement cultural policies. By the end of March 1999, there were 57 agreements in effect and 41 others being negotiated.

1755. The ministère de la Culture et des Communications and the ministère de l'Éducation have prepared a memorandum of agreement for the purpose of enhancing coordinated and collaborative efforts on the part of the various cultural and educational communities, one of the aims being to encourage exposure to the arts and arts education at all educational levels, and to strengthen cooperation between municipal and school libraries.

1756. The government has created the Institut national de l'image et du son, which is becoming "the" place to go for specialized studies in cinematography and television, and founded the Société de développement des entreprises culturelles, thereby bringing government support for cultural undertakings under a single government umbrella.

1757. On the international scene, the ministère de la Culture et des Communications has adopted a new tool, the program called *Soutien au développement des réseaux et des* *marchés internationaux*, to promote the international success of artists and undertakings, using bilateral cooperation agreements signed by the Government of Québec as one of its primary vehicles.

1758. *Rencontre Québécois-Autochtones* presents a program of cultural activities, as a joint effort by the Commission des droits de la personne et des droits de la jeunesse and the Institut culturel et éducatif montagnais. The activities at this event, which are originated and conducted by Aboriginal people, provide non-Aboriginal secondary school students with an introduction to Aboriginal life as part of their regular courses. They include a preparatory meeting in each school where activities are held, a training workshop for teachers, and activity days under the *shaputuan,* a big traditional encampment that can accommodate sixty students. *Rencontre Québécois-Autochtones* has been a resounding success everywhere it has been held.

Promotion of cultural identity

1759. On the question of promoting cultural identity as a factor in mutual appreciation among individuals and ethnic groups, the Government of Québec held the *Semaine québécoise de la citoyenneté* for the first time in 1997. The objectives of that event, which picks up where the Intercultural Week leaves off, are:

- to support, develop and strengthen solidarity among citizens, whatever their origin;
- to affirm the pluralism of Québec society;
- to promote the development of a feeling of belonging. Activities are organized in all regions of Québec with various partners, to celebrate the common values that sustain that feeling of belonging.

1760. The Prix québécois de la citoyenneté are awarded as one of the activities of the *Semaine québécoise de la citoyenneté*. There are three prizes — for increasing intercultural understanding, for democratic values, and for solidarity — to recognize individuals, businesses and organizations for their exceptional contributions to activities relating to those themes.

1761. The support for civic participation program was created in 1998. It replaces the intercultural understanding program that had been established in 1992, and its objective is to promote the full exercise of citizenship in Québec and the development of a feeling of belonging to Québec society. It provides funding for projects to offer citizenship education and increase civic participation among the public. The ministère des Relations avec les citoyens et de l'Immigration spends about $1.9 million on this project annually.

Research, science and technology

1762. Government activities in respect of research, science and technology, which had previously been under the jurisdiction of two separate departments, were combined in June 1999 under the responsibility of one, the ministère de la Recherche, de la Science et de la Technologie. Its mission is to establish strategic orientations in relation to scientific and technological development in Québec. Its role is to encourage and support initiatives and stimulate interaction among universities and colleges, industry and government, and organizations and associations, to promote convergence in respect of research initiatives that affect all aspects of social, cultural and economic life. It is also mandated to provide leadership and representation in these respects, both in Québec and abroad. In January 1999, the ministère formed a task force with the mandate of developing a science policy.

1763. Progress in medicine, as a scientific discipline and social practice, raise fundamental questions from the standpoint of human dignity, individual equality and the right to participate in the benefits of scientific progress. The Commission des droits de la personne et des droits de la jeunesse (la Commission) is persuaded that modern medicine is a kind of crossroads where concerns that run counter to an exclusively technical, market-oriented or bureaucratic logic converge, and in 1995 it co-organized a conference focussing on human rights and the issues in modern medicine. The proceedings of that conference, in which the Société québécoise de droit international and the Département des sciences juridiques of the Université du Québec à Montréal participated, have been published.

1764. The Commission also took part in the process surrounding the enactment by the National Assembly of amendments to the *Civil Code of Québec* in relation to medical research (S.Q. 1998, c. 32). In its brief, the Commission examined the proposed amendments having regard to the fundamental rights of research subjects. It concluded that some of the amendments appeared to be justified. However, the Commission was concerned about the rights of minors and adults under a disability who are involved in experiments, and recommended that the composition and functioning of the ethics committees that approve the experiments be more closely regulated. That recommendation was accepted by the legislature.

1765. The Commission's internet site provides access to information about the Québec Charter and the Commission's services, activities, achievements and publications. The Commission has also created an electronic distribution list to enable a discussion group on human rights education to converse about various topics. In 1999, about 300 messages were circulated using the distribution list, which has 200 subscribers, mainly in Québec, but also in France, Belgium, Burkina Faso, Switzerland, the United Kingdom, Argentina and the United States.

New Brunswick

Introduction

1766. During the period from October 1994 to September 1999, the Department of Family and Community Services underwent a fundamental shift in business direction. Continuing with the Andersen partnership, the Department moved away from the traditional organizational focus of providing a welfare cheque and moved toward a client-focused, results-driven organization committed to client self-sufficiency. With developments in the areas of youth, persons with disabilities and labour market, the Department introduced significant and important policies and implemented a financial and case management system.

1767. The *Family Income Security Act* was proclaimed in 1995-1996. The changes brought about by the Act include new policies and a separate rate structure for youth, specialized policies for the disabled and future changes to the structure and name of the Social Welfare Appeals Board. The *Family Income Security Act* also brought changes to the names of two financial support programs. The Transitional Assistance Program replaced the Upgrading, Training and Placement Program and the Extended Benefits Program replaced the Long-Term Established Needs Program.

1768. The Department also introduced an enhanced dental program for clients exiting the system for work, and increased access to clients requiring day care in rural parts of the province.

1769. The regional structure of the Department was reorganized to improve efficiency and effectiveness of the service delivery model.

1770. In 1996, the Department officially opened its doors to NB youth through the Youth Futures program. Youth Futures provides employment development services to youth between 15-24.

1771. Signed in 1996, the agreement on Labour Market Development transferred federal responsibility for labour market programs to the province. New employees delivered employment programs and services to Employment Insurance clients. This represented a fundamental shift in the business of the Department, which was formerly responsible to serve social assistance recipients, persons with disabilities and youth.

1772. In 1998, the Department and Human Resources Development Canada signed the Canada-New Brunswick Agreement on Employability Assistance for People with Disabilities Initiative replacing the Vocational Rehabilitation for Disabled Persons Program.

1773. Significant changes were made to one of the policies the Department used to determine eligibility for social assistance benefits. The Economic Unit policy was renamed the

Household Income Policy to more fully reflect its intention. Under this policy, the Department considers the assets and income of all individuals living under the same roof when determining eligibility.

1774. In addition, four specific groups of clients are now exempt from the Household Income Policy. This includes social assistance clients whose adult children are living at home; individuals who cannot work due to physical, emotional or social conditions; and long-term clients of the Department. Also exempt are single parent families who have been on assistance for at least 12 months who wish to share accommodations. Eligible families are those in which at least one of the single parents is actively pursuing education, training or employment opportunities.

1775. As part of the introduction of the National Child Benefit, the Department made significant new investments in its child-care program. This is an important program designed to help low-income working families in the transition between social assistance and work. In 1998, the Department invested an additional $2.1 million in the child-care program. This investment was comprised of the addition of 200 new daycare subsidies, an increase in the daily daycare subsidy rate and the introduction of a new service, the Alternative Child Care Program.

1776. The Alternative Child Care Program offers financial assistance to low-income parents or guardians who are in school or working and do not have access to licensed day care. This allows more New Brunswick parents to access child-care during evenings, nights and weekends or if there are no licensed day care centres in their community.

1777. In 1999, the Department expanded to include the Housing portfolio in order to better serve New Brunswickers in need.

1778. The Department of the Environment and Local Government currently administers several Acts and regulations that serve to promote a high quality of life through strong ecosystems, throughout the province. These acts and regulations are periodically reviewed to ensure that they continue to meet the needs of New Brunswickers. The Department is reviewing the *Municipalities Act*, the principle piece of legislation that guides municipal operations. This comprehensive review will modernize the legislation and is geared toward giving municipalities greater flexibility in responding to emerging issues, while at the same time, bringing more clarity to the statute. One of the key issues raised during the review has been around local governance in the unincorporated regions. To address this matter, the Department will be examining potential new governance models that would enhance local decision making responsibilities regarding services and activities affecting those communities.

1779. The Department of the Environment and Local Government believes in working with communities to build a strong foundation for environmental stewardship. Public consultation is often instrumental in shaping the direction that programs take. For example, the Department's "full Environmental Impact Assessment" (EIA) explicitly requires public consultation. Similarly, the *Community Planning Act* may also require such measures, along with many programs and services which benefit from regular public comment.

Article 6: Right to Work

1780. The Income Security Division of the Department of Family and Community Services offers training and employment programs through its Program Services section. The object of this program is to provide potentially employable individuals with an opportunity to acquire skills and experience, which will increase their employability and limit the likelihood of their long-term dependence on social-assistance benefits.

1781. Participation in all programs and services is voluntary. Only the educational training requirement for youth is compulsory.

1782. The Income Security Division of the Department administered the Training and Employment Support Services Program under the Vocational Rehabilitation for Disabled Persons Program up to April 1998. As of May 1998, the Training and Employment Support Services Program falls under the direction of the Canada-New Brunswick Agreement on Employability Assistance for People with Disabilities Initiative. This new agreement assists people with disabilities to prepare for employment, and obtain or retain employment if interrupted due to job crises.

1783. Efforts are ongoing to improve the representation of women in all occupational categories and groups, where they are under represented, as well as to create a climate that supports employment equity generally.

1784. A Mentorship Program for Female Students has been established. This program, coordinated jointly by the Official Languages and Workplace Equity Branch, Office of Human Resources and the Department of Training and Employment Development, formally pairs female students with civil servants working in non-traditional or senior level jobs. Through the program, female students have gained 12 to 14 weeks of valuable employment experience in various areas of the province. An average of 50 female students have participated each year.

1785. Progressive policies such as the Flexible Workplace Policy have been fully implemented. Women's representation among Senior Executive Officers and in the Middle Management Group has increased and there has been an increase in the number of women appointed as members of boards and commissions.

1786. The Equal Employment Opportunity (EEO) Program has continued to evolve since the last report was submitted and continues to pursue the mandate of providing equal access to employment, training and promotional opportunities for Aboriginals, Persons with Disabilities and Visible Minority Persons.

1787. In 1994, the EEO program contributed to the creation of a New Brunswick based bilingual video of three vignettes titled "What is Prejudice." In 1997, the EEO program participated in the creation of a New Brunswick based bilingual video titled "Vision for Equality." These videos were directed by a New Brunswick Human Rights Commission staff member and were circulated throughout the public school system. Each video was introduced into the curriculum through their "Social Studies" class and was accompanied with a workbook. Copies have been made available to other service organizations for a minimal fee.

1788. In 1996, the EEO program conducted an independent study of the Equal Employment Opportunity (EEO) Program pertaining to Aboriginal persons. The study examined individual, organizational and environmental factors that impact the placement of Aboriginal persons in the New Brunswick Civil Service. The study addressed underlying reasons for these problems and provided 25 recommendations to address these areas of concern.

1789. In 1998, the EEO program helped organize an Aboriginal Cultural Awareness workshop. The workshop was facilitated by Aboriginal people at a First Nation community. The workshop shared information with approximately 50 service providers and stakeholders responsible for providing a variety of services to First Nation peoples.

1790. In 1998, the EEO program created the Directory of Career Counselling and Job Placement Services for Persons with Disabilities in New Brunswick. This is a comprehensive listing of non-profit and provincial government departments that provide support services designed to help individuals with disabilities to succeed in their efforts to become educated, trained and gainfully employed. Access to the directory is achieved by visiting a Web site or by telephone. Information is updated on an on-going basis.

1791. Work is currently underway to update the Employment Equity Policy. The new focus will be to merge with the EEO Policy, create an inclusive workplace and to address barriers for employment for women as well as for EEO target groups.

Steps taken to safeguard the right to work

1792. In April 1996, the *Human Rights Act* was amended to allow the Human Rights Commission to delegate its complaint investigation, settlement and dismissal functions to its staff, with a proviso that any decision made by the staff under this authority may be appealed to the Commission. Accordingly, in March 1997, the Commission authorized the Director to close complaint files in specific situations. The 1996 amendment also gave the Minister the option of referring complaints that cannot be settled to the Labour and Employment Board, a permanent tribunal established under the *Labour and Employment Board Act.* Up to then, such cases could only be heard by human rights boards of inquiry appointed on a case by case basis. The Commission was also given carriage of the complaint before such tribunals so that its legal counsel could represent the Complainant's interests. These measures were designed to accelerate the complaint process and reduce the cost of bringing cases before boards of inquiry.

Full realization of right to gain a living by work

1793. The Department of Training and Employment Development supports this right through its mandate "to build a trained workforce with the necessary skills and job training aimed at ensuring New Brunswick has a 21st century labour force able to meet the new economy needs of an increasingly competitive world." All employment and training programming and Community Colleges, as well as responsibility for industrial relations and workplace regulation and apprenticeship and occupational certification, are combined in this Department.

1794. The Canada-New Brunswick Labour Market Development Agreement (LMDA) was signed on December 13, 1996, allowing the government of New Brunswick to assume responsibility for the design and delivery of employment programming, formerly administered by the federal government. The implementation date was April 1, 1997. The Agreement also provided for the establishment of Canada-New Brunswick Human Resource Service Centres through which New Brunswickers have access to a range of federal and provincial labour market programs and human resource development services. The Agreement offers a number of advantages to New Brunswickers:

- the quality of service offered to New Brunswick clients is improved since they are now able to access all human resource development programs and services through a single point of service;
- overhead costs have been reduced through the elimination of overlap and duplication;
- potential inconsistencies between the human resource development priorities of the two orders of government are being eliminated.

1795. Initially, New Brunswick provided the following benefits: Partners, a wage subsidy program; the Entrepreneur Program, assistance to EI clients who wish to start their own businesses; Job Action, work experience for EI recipients in support of obtaining long-term employment; and Skills Loans and Grants (SLG), a program to support EI clients pursuing training or education. Provincial measures included: the Adjustment Services Initiative, labour market partnership activities which support research, planning and other activities by community partners or industry to address human resource development challenges and opportunities; Employment Assistance Services, provided to all unemployed individuals and provided by third party contracts; and Research and Innovation, whereby the province conducted activities, experimentation and research to address labour market development, policy and design issues.

1796. In June 1999, the Province began implementing "New Vision New Brunswick," a four-year action plan that focuses on increased government openness, health care reform, job creation, lowering taxes, and investing in education. In the area of job creation, the government has set the following success targets for New Brunswick:

- Lowest unemployment rate in Atlantic Canada;
- Highest participation rate in Atlantic Canada;
- Reduction in youth unemployment;

- Reduction in wage gap with the rest of Canada; and
- Lowest small business corporate tax rate in Atlantic Canada.

1797. The New Brunswick Community College (NBCC) network is made up of 11 colleges, five of which are designated as Francophone and six as Anglophone. The NBCC is ISO 9001 certified and is administered by the Department of Training and Employment Development. In total, 120 different training programs are offered through this network, combining traditional teaching methods with the latest technological advances such as multimedia material. The duration of individual programs varies according to training goals. Many of the programs offered by NBCC are cooperative education programs, meaning that periods of classroom training alternate with paid internships in the workplace. This approach gives students the opportunity to put into practice the theory they have learned while gaining valuable work experience.

1798. The Colleges have developed various Centers of Excellence, which meet international standards. The staff is required to be highly qualified, to remain abreast of the latest technology, to create networks and partnerships with the public and private sectors, and to adapt and transfer their skills to a wide range of situations. This approach helps instructors enhance their knowledge in their area of specialization while working closely with the industry.

1799. The NBCC network has become a leader in designing and delivering customized training programs for specific companies or groups. This includes identifying training needs, conducting research and development, and ensuring the availability of required resources. Once implemented and delivered, programs are evaluated thoroughly at the end of the session.

1800. All regular programs in the NBCC system have a tuition of $2,400 a year. This tuition covers approximately 10 percent of the actual cost of delivery of the training. Some students have access to sponsorship to cover the tuition, as well as some living expenses. Many students have access to student loans, although this is dependent on income, cost and parental support.

1801. The Province also offers apprenticeship training and certification. Seventy occupations are currently designated under the *Apprenticeship and Occupational Certification Act.* Approximately 80 percent of apprenticeship training takes place on-the-job under the supervision of a qualified journey-person. The apprentice must also attend theoretical training sessions annually. The training usually takes place at one of the ten New Brunswick Community Colleges. Although the period of theoretical training is typically six weeks in duration, the training period varies from occupation to occupation.

1802. The Private Occupational Branch, Department of Training and Employment Development, regulates the private training industry in order to provide effective consumer protection for students. The training organization, instructors/teachers, salespersons/agents and programs must be registered and must be accompanied by security for the first two years of operation. In addition, students pay a 1 percent Student

Protection Fee on their tuition. These fees are collected by the training organization and remitted to a corporation that has been established to administer the fund. The purpose of the fund is to pay tuition refunds or complete training in the event the training organization fails or closes.

Article 7: Right to Just and Favourable Working Conditions

1803. The *Pay Equity Act* was passed in June 1989. Pay Equity reflects the principle of equal pay for work of equal value, and is a positive step towards labour force equality between male and female employees. Pay Equity adjustments in Part I of the New Brunswick Public Service were distributed over a four-year period beginning October 1, 1991.

1804. Pay Equity was introduced in Part II of the Public Service (school districts) through a negotiated Pay Equity Adjustment Agreement signed on November 17, 1994, covering 1,600 school board employees in female dominated job classes. Pay Equity adjustments were phased in over a four-year period ending in June 1998. Teachers indicated that Pay Equity was not an issue for them so they chose not to be part of the negotiated agreement.

1805. With respect to Part III (Regional Health Authorities), government is utilizing a phased-in approach of implementing the same gender-neutral job evaluation system and performance pay system that has been put in place for Part I employees. It has already been applied to management and non-union employees in the hospital system. With respect to unionized workers, where appropriate, it is being considered and discussed in conjunction with the negotiation of expired collective agreements as they come up for renewal.

Fair wages and equal remuneration for work of equal value

1806. Under the *Employment Standards Act*, all employees in New Brunswick are required to receive at least minimum wage for all hours of work. Effective July 1, 1996 until December 31, 1999, the minimum wage rate was $5.50 per hour for all hours of work up to and including 44 hours in a week; the minimum overtime rate payable for each hour worked in excess of 44 hours per week was $8.25.

Equal opportunity for everyone to be promoted

1807. The Department of Training and Employment Development endorses the promotion of workers based solely on seniority and competence.

Rest, leisure and reasonable limitation of working hours

1808. Under the *Employment Standards Act*, every employer in the Province of New Brunswick is required to give all employees who qualify a weekly rest period of at least 24 consecutive hours. The rest period is to be taken, if possible, on Sunday.

1809. Under the *Employment Standards Act*, employers in the Province of New Brunswick are required to give their employees an annual vacation leave with vacation pay. Employees receive vacation leave for each vacation pay year as follows: two regular work weeks, or one day for each calendar month in which the employee works during the vacation pay year, whichever is less. This leave is to be given not later than four months after the vacation pay year ends.

1810. The average annual unemployment rates in New Brunswick for 1994-1999 were:

Year	1994	1995	1996	1997	1998	1999
Unemployment rate (%)	12.4	11.2	11.6	12.7	12.2	10.2

1811. According to the 1996 Census, the average annual income for New Brunswick is as follows:

Men	$37,811
Women	$25,462
All	$32,865

1812. According to the 1996 Census, the low-income cut-offs for a family of four in Canada are:

Rural Area	$21,944
Urban centre of less than 30,000	$25,167
Urban centre of 30,000 to 99,999	$27,406

1813. On January 1, 1995, the Occupational Health and Safety Commission and the Workers' Compensation Board merged to become the Workplace Health, Safety and Compensation Commission of New Brunswick. The Commission's mandate is prevention and rehabilitation. These services are delivered locally through the Commission's five regional offices.

1814. Figures released by the Occupational Health and Safety Commission for the period January 1, 1995, to December 31, 1999, show that the highest rate of occupational accidents in New Brunswick occur in the following industries: manufacturing, logging, metal mining, and construction.

Article 8: Trade Union Rights

1815. New Brunswick's principal legislation concerning Article 8 remains unchanged since the submission of Canada's Third Report under the *International Covenant on Economic, Social and Cultural Rights.*

Article 9: Right to Social Security

1816. Under the *Social Welfare Act* (now the *Family Income Security Act*), individuals who meet specific medical criteria for disability and financial criteria are entitled to benefits under the Extended Benefits Program.

1817. Social Assistance is administered through the Department of Family and Community Services. While there have been changes to the programs and services offered to unemployed New Brunswickers by the Department over the years, the underlying philosophy and integrity of the *Social Welfare Act* (now the *Family Income Security Act*) remains unchanged since the period of the last report. Families and individuals in need may be eligible for income assistance, if their monthly income does not exceed limits established by the Department.

1818. The Department of Health and Wellness continues to offer various programs designed to assist children and their families in times of stress. Services offered by the Department include: family counselling; drug and alcohol counselling and rehabilitation; and gambling counselling.

1819. Employees in the Province of New Brunswick are protected by the *Workers' Compensation Act*. Changes to the Act in 1998 resulted in improved benefit levels effective January 1, 1998. The benefit level for injured workers is presently 85 percent of net earnings and in compliance with the *Canadian Charter of Rights and Freedoms*, surviving spouses of deceased workers since April 17, 1985, continue to receive survivor benefits which until that date were terminated upon remarriage.

1820. Federal employees working in New Brunswick receive compensation benefits under the *Government Employees Compensation Act* which is administered on behalf of the Government of Canada by the Workplace Health, Safety and Compensation Commission of New Brunswick Commission.

1821. The Commission is a signatory to the Interjurisdictional Agreement between Compensation Commissions of the Canadian provinces and territories. The Agreement assists injured workers in obtaining benefits for work-related disabilities resulting from employment in more than one Canadian jurisdiction.

Article 10: Protection of the Family, Mother and Child

1822. In 1999, the Department of Education began work on the development of guidelines to help schools address issues related to child custody, access to student information and to the physical release of students into the care of persons external to the school system. These guidelines are intended to: facilitate peaceful and secure relations between divorced parents and the school; uphold the rights of non-custodial parents to maintain a parental relationship with their child; and ensure the security of children.

Protection for children

1823. The *Education Act*, assented to in February 1997, makes it an offence to employ a child during school hours when he/she is required by the Act to be in attendance at school.

1824. The Department of Family and Community Services provides financial assistance to families in need, provided they meet the eligibility criteria, and administer a number of programs designed to promote the self-sufficiency of families.

1825. The Department is responsible for the administration of the Day Care Assistance Program, which was previously known as the Day Care Subsidy Program. Families wishing to access funds under the Day Care Assistance Program must enrol their child in a day care facility approved by the Department of Health and Wellness. The Department has other programs with specific criteria, where individuals may access childcare funding.

1826. The Department continues to enforce a family support orders policy, which recognizes that parents have an obligation to support their children and that those seeking assistance must first seek all other means of support. The policy requires single parents who are applying for, or who are already on income assistance, to identify the paternity of their child or children to determine their eligibility for, and level of, income assistance benefits.

1827. The Department provides financial assistance under the *Social Welfare Act* (now the *Family Income Security Act*) to persons in need who meet the eligibility requirements for social assistance. This ensures that all persons have the money to purchase food, clothing and housing.

1828. During the reference period, the Department of Justice, which began administering the Domestic Legal Aid (DLA) program in 1993, commissioned an independent review of the DLA program. This independent review recommended certain improvements. Work commenced in 1997 to implement the first of the recommended enhancements — a parent education program that is projected to be operational in the autumn of 2000.

1829. In conjunction with other parts of the New Brunswick government, the Department of Justice headed a multi-department communications strategy called "Kids Come First." The purpose of this program was to focus on the needs of children and to encourage parents who are responsible for paying support to meet their obligations.

1830. In concert with the federal government's child support reforms, the Department of Justice led an inter-departmental committee to introduce provincial Child Support Guidelines that were compatible with the federal changes and to ensure that New Brunswickers would get the same treatment under federal and provincial statutes. In order to accommodate the federal child support reform initiatives, the *Family Services Act* was amended to have it parallel changes in the federal *Divorce Act*.

1831. The Department of Justice also began working on enhancements to the Family Support Order Service (FSOS). FSOS provides for the collection of support payments and the enforcement of support orders when payments are not made. As part of the process, support orders filed with the court for purposes of enforcement are automatically enforced. Work on some of these enhancements is still in progress. One enhancement, which has been implemented, provides for garnishment of federal funds and trace and locate services to New Brunswick. This program is used when New Brunswick is seeking to garnishee funds owing to defaulting payers of support, to trace and locate payers for purposes of enforcement, or, to request denial of federally issued licenses and passports to defaulting payers.

1832. In fiscal year 1998-1999, amendments were made to the *Residential Property Tax Relief Act* to bring about the following changes:

- The definition of principal residence was clarified so that assessed owners who occupy a residence for at least 183 days during the year became eligible for a tax credit. Many older people, facing increasing housing costs, make alternate living arrangements particularly in the winter. Depending on their address of record, some owners receive a tax credit and others do not. With this amendment, eligible applicants will receive the credit if the residence is their principal residence for at least 183 days; and

- Those who purchase real property as a principal residence through Agreements of Purchase and Sale are now eligible to apply for a tax credit. The Agreement must be registered in a Registry Office and the sale must be completed within three years of the effective date of the Agreement. This approach removes undue hardship for potential homeowners who deserve to be eligible for a tax credit.

1833. In fiscal year 1999-2000, amendments were made to the *Real Property Tax Relief Act* as follows:

- The Act was amended to remove the September 30 deadline for receipt of applications for the Property Tax Allowance Program. This measure allows a person entitled to the allowance, but who has not received it, to apply for the current year and three years prior. With this amendment, the December 31 application deadline and the number of years of entitlement to the program will match those of the Residential Property Tax Credit Program.

1834. These amendments have removed various inconsistencies and irritants and brought about greater fairness and equity in the administration of tax programs.

Article 11: Right to an Adequate Standard of Living

1835. The Department of Agriculture, Fisheries and Aquaculture provides animal health and specialized agrology services to the New Brunswick livestock and poultry industries. Veterinary services to clients having food/fur producing species as well as equine is included in the role of the Department. Animal health services include the provision of on-farm clinical and preventative services, 24 hours a day emergency services, in-clinic services and associated laboratory services. The branch works with producers, producer organizations and industry to achieve greater self-sufficiency in the production of livestock feed and enhanced productivity of livestock and poultry enterprises.

1836. The Department advances the productivity and competitiveness of the agricultural industry in a sustainable manner. Technical assistance and support is provided in water management and irrigation, land stewardship, environmental stewardship, as well as agricultural mechanization and energy. Work has continued to improve land use planning in the province, with particular attention to coastal areas, agricultural marshlands and flood plains. Also provided are analytical services for soil, soil amendments, feed, any plant tissue as well as offering advice on soil and climate for agricultural land use.

1837. The Department facilitates the creation and prosperity in the potato and horticulture industries. The branch works in partnership with producers, producer organizations and the agri-food industry to offer new crop production technology and provide plant propagation and plant health services.

1838. The Department is charged with the responsibility of providing agricultural producers with effective risk management tools to agricultural ventures that offer sustainable development opportunities. A number of safety net programs are included: Crop Insurance Program; Agricultural Income Disaster Assistance Program; Net Income Stabilization Program, etc.

1839. The Province implemented a harmonized sales tax system in April 1997. Farmers receive a full input tax credit on the full amount of tax paid (15 percent). It is in the form of a refund for the tax paid on all purchases made for the purpose of conducting business. Food and groceries, as they have always been, are tax-free. The *Real Property Tax Act* provides for the deferral of the provincial property tax on farm land and outbuildings.

1840. The *Agricultural Land Protection and Development Act* provides for protection of agricultural land by using a zoning approach and it serves to facilitate land development. The *Plant Health Act* was assented to December 1998, and regulations are expected to be drafted in the near future. It will provide the authority required to prevent and/or control plant diseases, weeds and pests that can negatively impact agricultural production in the Province.

1841. As a means for addressing the nutritional needs of students in the elementary school years, a "Healthy Minds" Breakfast Program was piloted by the Department of Education in two school districts, beginning in September 1999. The program was designed to provide basic breakfast food items to kindergarten to grade 5 students in a non-stigmatizing environment. The program emphasized that the primary responsibility for feeding children remains with the parents.

1842. Since 1992, the Department of Education has sponsored a school milk program, making milk available to elementary school-aged children at subsidized prices. The Department of Education has also provided funding for the purchase of kitchen appliances and equipment, in order to encourage the implementation of school nutrition programs, as well as to provide storage for the milk used in the milk program.

1843. The Housing Branch of the Department of Family and Community Services assists residents, who have limited incomes, to obtain adequate, suitable and affordable accommodations while undertaking social development and promoting economic self-reliance. Programs and services are delivered through nine service locations and are supported by central office staff.

1844. Housing straddles both social and economic policy and is a building block of social support for vulnerable New Brunswickers. Shelter is one of the three basic needs for survival. Safe, adequate and affordable housing is required before one can concentrate on other needs such as education, training, employment, and parenting.

1845. To address the housing need of low-income households, the Department divided the programs into four categories. A variety of programs are delivered and administered under each category.

1846. The programs are designed to provide assistance of last resort to families, seniors, persons with disabilities, off-reserve natives and victims of family violence, who could/would otherwise be homeless. The majority of the housing programs are cost-shared with the Government of Canada.

1847. Property Management provides operational and administrative services for our publicly owned rental units and land assets. This includes workshops for basic life skill development and the promotion of educational and social development activities within our rental communities.

1848. Rental Assistance addresses housing needs by providing subsidized monthly rent payments for low-income rental households to private sector landlords or by subsidizing operating loss or interest on mortgages for community based non-profit/co-op groups. Rent calculations for programs in this component are either 30 percent rent geared to income or lower end of market.

1849. Renovation Assistance and Community Initiatives provide assistance in the form of a loan, a portion of which may be forgiven, to homeowners and third party-owned low rental properties for existing substandard housing requiring major repairs. It includes modifications for disabled persons and repairs to shelters for victims of family violence to improve the dwelling to an acceptable standard of health, safety and security.

1850. In 1999, 72 percent of New Brunswickers were homeowners of which 52 percent resided in rural communities. Consequently, renovation programs were the most cost-effective method of ensuring safe and adequate housing within their existing communities.

1851. Homeowner Assistance provides financial assistance in the form of a loan and an interest write down subsidy. This allows modest income households to buy or build a modest first home or the completion of a partially constructed home. It also involves managing/administering a portfolio of homeowner units (mortgage is held by the province).

1852. Effective April 1, 1997, New Brunswick, along with the provinces of Newfoundland and Nova Scotia, implemented a harmonized federal/provincial sales tax imposed under the federal *Excise Tax Act* with supporting measures under the provincial *Harmonized Sales Tax Act*. Basic exemptions on food for human consumption, other than prepared meals, as well as for prescription drugs, apply. In addition, the province introduced a provincial child tax benefit and worker's income supplement for low-income families with children.

1853. The Province provides a low income property tax allowance of up to $200 applied to property tax owing for those with family incomes of less than $20,000.

1854. The Province provides a Low-Income Senior's Benefit of $100 for low-income seniors who receive the federal Guaranteed Income Supplement, widowed spouse's allowance or the extended spouse's allowance.

1855. The 1999-2000 Budget contained across the board provincial income tax reductions.

Article 12: Right to Physical and Mental Health

Improvement of all aspects of environmental and industrial hygiene

General

1856. The Department of the Environment and Local Government undertakes to provide leadership in protecting and enhancing the environment for present and future generations, through a variety of programs supported by a strong legal framework. These efforts are applied throughout the province in consultation with the general public, stakeholders and related government departments, in a systematic way with prevention as the guiding principle.

1857. Among the mechanisms used to assure environmental sustainability, the Department operates through seven acts: the *Clean Air Act*, the *Clean Water Act*, the *Clean Environment Act*, the *Pesticides Control Act*, the *Environmental Trust Fund Act*, the *Beverage Containers Act* and the *Unsightly Premises Act*, with their supporting regulations. As development projects arise, the Department conducts a thorough review before issuing either a Certificate of Approval, Certificate of Determination or permit. When warranted, a full Environmental Impact Assessment (EIA) process will be utilized. Like all reviews, this involves studying the details of the file, inter branch communication, as well as intra-governmental consultations. The full EIA further requires that a public consultation process be undertaken prior to decision making. Once conditions are placed on a project, the Department will often follow up with regular monitoring for a period of time, to measure its success. In the fiscal year 1998-1999, the Department undertook reviews whereby approximately 5,000 permits and Certificates of Approval were issued, 50 EIA Determinations were made, and over 40,000 samples were tested.

Programs

1858. The Department of the Environment and Local Government also has on-going programs designed to mitigate potential hazards, or to improve existing conditions.

1859. The Environmental Trust Fund is one of the largest single provincial sources of funding in Canada for environmental projects. It is available to community-based organizations only, and contributes to a variety of environmentally related projects. The fund gets its revenue entirely from the beverage container program.

1860. The New Brunswick Tire Stewardship Board (NBTSB) is an administrative organization which allows industry and stakeholders to be accountable for scrap tire environmental stewardship initiatives. This program has been operating successfully for approximately three years. The program works to recycle roughly 750,000 tires annually, equaling the number generated, and continues to expand its breadth. The board is now looking to start a comprehensive off-the-road (OTR) recycling program for larger tires used in agriculture, forestry and construction. These efforts are funded through a tire levy implemented under the *Clean Environment Act*. Other upcoming initiatives include: funding relevant research through educational grants, the development of a comprehensive communications and education program, as well as a significant "Millennium Project" to be announced.

1861. The Watershed Protection Program (WPP), introduced in 1990 under the *Clean Water Act*, is designed to protect surface public water supplies against contamination. More than 300,000 New Brunswickers in 26 municipalities obtain their drinking water supply from watersheds. The first phase of the WPP provided a 75-metre protection zone, beginning at the banks of the watercourse. Phase II, which was the topic of a discussion paper and several public meetings throughout the province, proposes standards for land and water use activities in the rest of the watershed including the water body itself. Standards are designed to provide protection against chemical contamination and physical damage from land-use activities such as agriculture, forestry, road construction, commercial and industrial development, mining, recreation, aquaculture, and residential development. Phase II came into effect the Fall 2000.

1862. The management of Solid Waste has made great progress. The last of the over 200 remaining open, sub-standard dumps in the province are now closed. Throughout the province, solid waste can now be disposed of in an environmentally sound manner, utilizing the network of six state-of-the-art landfills and five transfer stations. In part due to greater public awareness, and the Beverage Containers and Tire Stewardship

Programs, the total amount of domestic and commercial solid waste has been reduced by 38 percent per capita, from 1988 to 1998.

1863. The Department is currently working to finalize a system of Water Classification to help manage watersheds. The process will involve identifying and communicating with stakeholders from our communities, to measure and interpret existing water quality and land-based activities. Preliminary work in this area has already begun, with particular focus being placed on mapping land and water information so that these ecological and geological factors can be brought into the interpretation when determining sources of pollutants. Implementation will occur through watershed groups, working with members of the larger community, to set goals and to establish actions and priorities for each watershed. Other aspects of implementation will involve the design and promotion of voluntary Best Management Practices. Regulatory tools will include the standards under the forthcoming *Water Classification Regulation*, as well as the existing approvals and permitting system which focuses on pollution sources and watercourse alterations. Upon coming into force, the *Water Classification Regulation* will designate all surface public drinking water sources in the highest class to ensure adequate protection.

1864. The Wellfield Protection Program is designed to protect ground water sources that supply public drinking water systems. In New Brunswick about 150,000 people obtain their water from municipal wellfields fed by groundwater. The Program operates through two mechanisms. First, a "Protection Plan" is drawn up for each municipal wellfield, which, secondly, outlines the "Protected Area" to be designated around that wellfield. The goal of the program is to control the kinds and quantity of chemicals being released, stored or used in that area, thereby greatly reducing the risk of groundwater contamination. To date, 24 municipalities have begun establishing Protected Areas, with one municipality having completed this process. The *Clean Water Act* provides the regulatory framework for this program.

1865. The Petroleum Storage Tank Management Program is administered under the *Petroleum Product Storage and Handling Regulation 87-97*, of the *Clean Environment Act*. The program is designed to assist tank owners in managing petroleum product storage and handling activities in a manner that will reduce and/or eliminate the environmental risk to their property and adjacent properties. The program requires cathodic protection tests to be submitted by owners of tanks holding 2,000 litres of petroleum or more. Based on these test results, substandard tanks will either require upgrading or removal. To date 10,320 tanks have been removed, with an annual average of over 500 since 1997.

1866. The Department of the Environment and Local Government is working in conjunction with a national committee of Ministers, to establish Canada-Wide Environmental Standards (CWS) as a Sub-Agreement to the Canada-Wide Accord on Environmental Harmonization. Dealing primarily with airborne pollutants, this agreement is designed to create a coordinated approach for Canada, that allows each province or territory to maintain the autonomy and flexibility to best respond to their local challenges, while benefiting from our collective knowledge of potential hazards. It also outlines a process of public consultation integral to the program. This is a work in progress at present, but is a symbol of the efforts being made to co-ordinate, both locally and nationally, this initiative toward protecting the environment.

Reduction of the stillbirth rate and infant mortality, and for the healthy development of the child

1867. Between 1994 and 1998, stillbirth rates fluctuated, with the 1998 rate per thousand showing a decrease of more than half from the 1994 rate per thousand at 28+ weeks of gestation. The stillbirth rate per thousand for 28+ weeks of gestation was calculated 4.27 in 1994 and 2.04 in 1998.

Prevention, treatment and control of epidemic, endemic, occupational and other diseases

1868. The goal of communicable disease control is to eliminate communicable diseases as a public health problem. To help reach that goal, the Department of Health and Wellness uses vaccinations and immunization programs against certain diseases. It also oversees food control, air and water testing, physical examinations for certain types of work, the regulation of nuisances and enforcement of sanitary regulations, and public education.

1869. The Department of Health and Wellness maintains surveillance of notifiable communicable diseases in New Brunswick. This includes consultation and liaison with the District Medical Health Officers, physicians and other health care professionals, as well as with the Population and Health Branch of Health Canada and Provincial and State (U.S.) epidemiologists.

Creation of conditions that assure medical services

1870. The New Brunswick Medicare Plan continues to ensure services described in the last report.

1871. In 1995-1996, as a result of a complaint of lack of access to a medical facility by a patient who was physically disabled, the New Brunswick Human Rights Commission initiated a far reaching proactive effort in conjunction with the Premier's Advisory Council on the Status of Disabled Persons, the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick to address the problems and concerns of physically disabled patients with respect to medical facilities on a province-wide basis.

Article 13: Right to Education

1872. A number of resources published by the New Brunswick Human Rights Commission are made available to schools. These resources deal with human rights, prejudice, discrimination, stereotyping and racism. The resources include Foundations for Fairness, Rights and Responsibilities: The Fourth and Fifth R's of Education, Say No to Racism, Visions for Equality and Human Rights Fact Sheets.

1873. The "Ministerial Statement on Multiculturalism and Human Rights" (1989) established the Department of Education's commitment to the development and enhancement of school programs and operational practices that promote the dignity and fundamental worth of all human beings regardless of racial, religious or socio-cultural background. A human rights education package was developed and distributed in the anglophone and francophone sectors, and was supported by professional development for teachers and administrators.

1874. The study of the Holocaust is part of the Grade 11 Modern History course and is supported by a unit on the Holocaust developed by the Department of Education. The francophone sector is implementing a number of human rights education initiatives. The development of new programs in social studies is aimed at exposing students to other nations and cultures. For the youngest pupils, in kindergarten, the curriculum encourages information seeking and a global outlook. A multicultural approach, incorporating global and human rights perspectives, is also used to present topics.

1875. In 1996, the Atlantic Canada Framework for Essential Graduation Learnings was written and incorporated into the anglophone educational system. The Essential Graduation Learnings are statements describing the knowledge, skills and attitudes expected of all students who graduate from high schools in New Brunswick. The learnings listed below are those that relate most specifically to Article 13(1):

- Citizenship — Graduates will be expected to assess social, cultural, economic and environmental interdependence in a local and global context.
- Aesthetic Expression — Graduates will be expected to respond with critical awareness to various forms of the arts and be able to express themselves through the arts.
- Personal Development — Graduates will be expected to continue to learn and to pursue an active, healthy lifestyle.

1876. In an effort to meet the expectations of the Essential Graduation Learnings, Foundation documents in Language Arts, Mathematics, Science, Social Studies, Fine Arts and Technology have been developed. Each of these documents describes how the subject contributes to the achievement of the Essential Graduation Learnings and identifies strands and general curriculum outcomes specific to the subject area. These documents reflect the Department of Education's commitment to addressing human rights issues. The Social Studies Curriculum Foundation document includes the following general curriculum outcomes related to Article 13:

- Students will be expected to demonstrate an understanding of the rights and responsibilities of citizenship, and the origins, functions, and sources of power, authority, and governance.
- Students will be expected to demonstrate an understanding of the concept of culture, the diversity of culture, and views of the world, recognizing the similarities and differences resulting in various cultural perspectives.

- Students will be expected to demonstrate an understanding of global connections and the causes, consequences, and possible solutions to global issues.
- Students will be expected to demonstrate the ability to make economic choices as individuals and as members of society based on their understanding of economic concepts, principles, and systems.
- Students will be expected to demonstrate an understanding of the interactions among people, places, and the environment.

Within each of the subject areas, specific curriculum documents are also being developed.

1877. In the francophone sector, the themes of racism and human rights are integrated in the social studies curriculum and are addressed more specifically in the grade 9 "Formation personnelle et sociale" course, the grade 11 "Développement humain" course, and the "Éducation aux valeurs" course taught in grades 11 and 12. In grade 9, the Maritime Studies course discusses questions such as cultural diversity and pluralism in the Maritime Provinces. At the primary level, the concept of human rights and respect of others is discussed in a section of the social studies curriculum. The Curriculum Development Branch (francophone sector) has published a document describing a number of principles for the renewal of primary schools.

1878. Many of New Brunswick's elementary and secondary schools organize activities to commemorate International Human Rights Day.

1879. In the year prior to the 1999 Sommet de la Francophonie, held in Moncton, New Brunswick, in September 1999, all schools in the francophone sector were twinned with another country within the Francophonie.

1880. The Department of Education has undertaken the following legislative and policy initiatives for the positive development of Aboriginal education in New Brunswick:

- The *Education Act* requires the Minister to provide and implement programs and services that "foster an understanding of Aboriginal history and culture among all pupils."
- The Department of Education's "Policy Statement on Maliseet/Mi'kmaq Education in New Brunswick" states that Aboriginal histories and cultures will be included in the studies taken by New Brunswick students.

1881. More specifically, the following initiatives have been adopted and implemented in the anglophone sector (where a significant majority of First Nations students are enrolled):

- Native Studies courses are offered at the high school level;
- Maliseet language courses are offered in some public schools;
- Units of study with Aboriginal contact are developed or are being developed for core subjects;

- Materials (written, audio-video, and computer software packages) with Maliseet and Mi'kmaq content have been and are being developed for use in the schools;
- The development and implementation of the Circle of Understanding Program introduces the Aboriginal perspective into the classrooms by inviting Elders and community members to the public schools;
- In-service sessions and summer institutes (such as Cultural Immersion for teachers and administrators) are provided;
- "Native Awareness Week" is sponsored at various public schools throughout the school year; and
- Cultural Immersion Summer Camps are sponsored for Native and non-Native students attending provincial and First Nation schools.

1882. In the francophone sector, native studies is taught in the social studies curriculum in grades 4 to 6 as well as in the secondary schools in grades 9 to 11. Reforms to the kindergarten to grade 12 curriculum will lead to the inclusion of native studies in the social studies program at all levels.

Right to primary education

1883. In 1996, the Department of Education introduced provincial guidelines for public schools to ensure that the needs of students with severe allergies and other controllable health problems would be addressed in school to permit full participation in public education.

1884. The *Education Act*, assented to in February 1997, provides for a publicly funded educational system based on the principle of duality for the francophone and anglophone communities of New Brunswick. Public education is defined in the Act as educational programs and educational services, extending from kindergarten to graduation from high school, provided free to persons who are of school age. Kindergarten has been a compulsory program since September 1998. Attendance begins in the year in which a child reaches age five by December 31 (it was an optional, free program from 1991-1997).

1885. The anglophone and francophone Student Services units of the Department of Education's Curriculum Branches develop, co-ordinate and facilitate special education for students with exceptionalities as defined by the *Education Act*. The units are responsible for guidance, stay-in-school/at-risk programs, programming for the gifted and talented, the Positive Learning Environment initiatives, and school psychology services as well as areas such as: youth leadership; Comprehensive School Health; student government and inter-departmental policy and protocols relating to government youth initiatives. The units also ensure that students are provided with support services in speech and language pathology, educational and clinical psychology, social work and health. The anglophone unit monitors the work undertaken by the Atlantic Provinces Special Education Authority for students who are blind and visually impaired and for those who are deaf or hard-of-hearing.

1886. The Department of Education released a Positive Learning Environment Policy in April 1999, which was developed to promote safe and healthy learning and working environments where everyone is treated with respect. The policy outlines responsibilities and expectations for all partners in education and stresses that families have a major role in shaping student behaviour. Government funding has been used to support initiatives relating to the policy and to hire additional behaviour intervention workers and mentors at the school and district level. Extensive in-service program initiatives, activities, conferences, and materials have been introduced to the educational system in a continuing effort to support teachers in the implementation and ongoing monitoring of the Positive Learning Environment policy.

1887. The Province has taken steps to assure safe, positive learning environments in its public education system through the implementation of the Policy for the Protection of Pupils in the Public School System from Misconduct by Adults (Pupil Protection Policy). The policy came into force in September 1996 (revised in September 1998) and endeavours to protect pupils from abusive behaviour by adults in the school system, including physical, sexual and emotional abuse and discrimination. The policy defines acceptable standards of behaviour for adults who have responsibility for pupils and incorporates a progressive component in its aim to eliminate abusive behaviours through prevention and effective intervention.

Secondary education

1888. A Secondary Education Curriculum has been developed for on-line delivery and is currently being implemented. Distance Learning centres are being established in New Brunswick high schools in an effort to ensure all New Brunswick students have access to the complete New Brunswick curriculum. The on-line delivery of the curriculum provides access to a range of courses including advanced Chemistry, Economics, Technical Support and Information Technology. It allows students in rural and/or remote areas access to courses that may otherwise be unavailable. Partnerships have been established with Industry and Community Colleges to ensure that all students have access to Technology/Vocational courses and related work experience opportunities.

1889. Transition Education initiatives at the secondary level support career preparation and the transition from school to post-secondary education and/or work for all students. Specific initiatives are underway to assist students with exceptionalities in making the transition from school to post-secondary or to work. Career skills development is enhanced by experiential work-based opportunities such as cooperative education and youth apprenticeship programs. Partnerships with public and private sector employers, and articulation agreements with industry, community colleges and universities support transition preparation of youth.

Higher education

1890. The Province is committed to life-long learning and to providing its citizens with access to post-secondary education opportunities. To ensure greater access to higher education, the *Education Act* was amended in July 1999 to require public school attendance to graduation from high school or to 18 years of age (prior to this, attendance was compulsory to the age of 16).

1891. The Department of Education works with the Council of Ministers of Education Canada (CMEC) on accessibility issues. This included the endorsement of the CMEC Post-secondary Expectations Statement (released in February 1999), that has been forwarded to institutions and is to be addressed by both government and institutions.

1892. The Department released its Vision for Adult Learners in May 1998, defining its commitment to adult learners and setting out goals for learner accessibility and mobility with the following principles:

- learners should be able to move freely between the labour force and the learning force throughout their lives;
- learners should accumulate credit for acquired competencies throughout their lives; acquired credit should count towards employment and further education;
- education and training should be readily available as, when and where required;
- access to appropriate learning activities should be equitable;
- learners should be able to be confident that education and training provided by publicly-supported organizations are of high quality, and based on a clear statement of the outcomes and competencies which they will have the opportunity to attain;
- learning achievement and relevance should be maximized;
- value to the learner, in relation to both the time and money involved, should be maximized.

1893. Universities and the New Brunswick Community College (NBCC) have worked together to create articulated programs, which combine both occupation-specific training and general post-secondary education competencies to help give students better access to the labour market. Credit transfer and prior learning assessment and recognition (PLAR) are now more available to students at post-secondary institutions.

1894. Community education and the provision of access to technologies and the information highway is being made available to all New Brunswickers at Community Access Centres located in public schools and other community-based locations. In 1996, recognizing the multi-purpose capacity of schools and the future potential of providing New Brunswick citizens with affordable access to the information highway, the Department of Education in partnership with Industry Canada and New Brunswick Tel created Connect New Brunswick Branché and the New Brunswick Community Access Network. This network of over 200 volunteer-directed public access sites representing over 400 communities assists communities in developing their own locally managed and operated computer Community Access Centres. Their mandate is to:

- provide the citizens of New Brunswick with more affordable access to computer technology and the Internet and to raise awareness about its potential for learning, jobs and growth;

- stimulate the use of new electronic learning tools to further develop services by and for all New Brunswick communities;
- provide Internet and World Wide Web training facilities for local entrepreneurs, employees, educators, students and others interested in improving their information management and networking skills;
- stimulate access to the electronic delivery of government and other services and obtain feedback from citizens about how they would like these presented.

Fundamental education

1895. A Minister of State for Literacy's Literacy Circle was established in the fall of 1997. This consultative body was comprised of adult learner representatives, a representative of the business community, representatives of non-governmental literacy organizations and members of government departments with a mandate to address literacy matters. The Literacy Circle was charged with using its collective knowledge, experience and resources to facilitate action by the literacy community to meet the challenges facing adult literacy in the province.

1896. In 1999, the Ministry of State for Literacy was discontinued, its literacy mandate was subsumed under the Department of Education, and the Literacy Circle was re-structured to become the Provincial Partners in Literacy, an advisory body to the Minister of Education.

1897. The community-based approach to the provision of adult literacy training, which was in place in 1994, has continued. Basic and intermediate level and high school equivalency preparation is provided in a community setting where learners reside. The community-based approach involves communities directly in the design and delivery of literacy training. It allows for the adaptation of the general Community Academic Services Program (CASP) model to meet the specific needs of the community, whether they were to tie in with shift work, seasonal employment cycles or the needs of specific types of learners in the community.

1898. Literacy New Brunswick Inc., a non-profit organization with a board of directors drawn from the private sector orchestrates the province's entrepreneurial approach to securing funding for literacy programming. Since October 1994, Literacy New Brunswick Inc. has funded a further 835 CASPs in 130 communities throughout the province, bringing the total since 1991 to 1,227. Since October 1994, 16,700 learning opportunities have been created.

1899. The Learning in the Workplace Initiative which provided fiscal incentives to interested corporations and small businesses to set up workplace education programs for their workers, continued with funding from the Canada/New Brunswick Cooperation Agreement on Entrepreneurship and Human Resource Development until the end of March, 1996. Funding was then received from the province's Regional Development Corporation to fund the Competitive, Recognized and Educated Workforce Program (CREW). Since October 1994 an additional 92 workplace education programs have been funded in the forestry, mining, manufacturing and processing, hospitality, health services and municipal administration sectors bringing the overall total to 106 programs.

1900. Other ongoing literacy initiatives in New Brunswick include financial grants to literacy councils, which match volunteers to learners to provide one-on-one tutoring and correspondence and night school academic upgrading provided through the New Brunswick Community College.

1901. In 1997, Literacy New Brunswick Inc. received funding from the National Literacy Secretariat to develop a family literacy initiative. The resulting Community-based Family Literacy Initiative targets the parents of pre-schoolers to promote the importance of developing the language, communication and other pre-literacy skills of young children. A community development approach was taken and partnerships were formed with a variety of community organizations such as libraries, low-income housing projects and family resource centres to carry out this initiative.

1902. Between October 1994 and September 1999, access to education for citizens of New Brunswick was greatly enhanced by TeleEducation New Brunswick's network of distance learning centres in 43 communities. Communities provided the locations, while TeleEducation New Brunswick contributed the necessary equipment and software. TeleEducation New Brunswick's 17 regional facilitators provided direct support to learners and educators.

1903. As a direct result of this network, 16,146 citizens were able to complete 764 courses. Of these, 33 percent were university level, 38 percent were community college courses; 4 percent were kindergarten to grade 12, 12 percent were from private organizations, and various government departments offered 13 percent. Studies ranged from complete degree or certificate programs to courses for professional or personal development.

1904. With the guidance of TeleEducation New Brunswick, both educators and learners progressed from using simple distance learning technologies such as audioconferencing and audiographics to more sophisticated web-based learning environments.

Establishment of an adequate fellowship program

1905. The Interest Relief Plan and Debt Reduction in Repayment, programs assist those experiencing difficulties repaying their student loans after graduation.

Respect for the liberty of a parent to choose for their children schools, other than those established by the public authorities, to ensure the religious and moral education of their children in conformity with their own convictions

1906. The *Education Act* provides parents with the opportunity to choose schooling offered at independent or private schools or to educate their children at home. The Act requires the Minister to, on application of the parent of a child, exempt a child from attending public school where the Minister is satisfied that the child is under effective instruction elsewhere.

Human Rights Commission

1907. In 1994-1995, the Human Rights Commission completed and launched the Foundations for Fairness video series. This series looks at the development, nature and breadth of prejudice, and seeks to identify ways of combating it. A study guide was also developed to accompany the series. The series was shown throughout New Brunswick schools and on television.

1908. In 1995-1996, the Human Rights Commission assisted with the organization of, and participated in, a conference to sensitize educational administrators on sexual harassment and how to prevent it.

1909. In collaboration with the New Brunswick College of Physicians and Surgeons, the New Brunswick Medical Society, the Premier's Council on the Status of Disabled Persons and the Equal Employment Opportunity Program of the Department of Finance, the Commission, in 1995-1996, conducted a survey on accessibility to medical facilities in New Brunswick. Four educational documents, Words with Dignity, Emergency Procedures, Wheelchair Etiquette and NB Tel Relay Service, were sent to 1,200 physicians in the province.

Vision for Equality Series

1910. In 1996-1997, and in conjunction with its thirtieth anniversary, the Commission co-produced with Fundy Communications Inc. a four-part television series, entitled Vision for Equality. This series, which was aired on Fundy Community Television stations across the province, is a collaborative effort to promote awareness of human rights issues. The programs featured in this series are:

- Human Rights in New Brunswick explains the *Human Rights Act*, the compliance and educational roles of the Commission and contains "on the street" interviews about the importance of human rights in Canadian society.

- Valuing Diversity includes participants from community organizations, government departments, professional and educational institutions and corporations in New Brunswick to explore how organizations can fully appreciate and benefit from diversity in the workplace and other environments.

- Combatting Harassment brings together educators, advisors, personnel managers and counsellors to address the many questions surrounding sexual harassment. This program provides useful advice on how best to recognize, prevent and eliminate harassment, while providing information on the various types of harassment prohibited by the *Human Rights Act* and identifies avenues of redress.

- Educating for Equality includes a wide array of individuals who discuss their involvement with human rights education, the varied approaches they have taken, the availability of resources and the importance and benefits of human rights education to individuals, families, communities and society in general.

1911. These television programs will be packaged and distributed by the Commission for educational purposes.

Racism and Hate Crime on the Internet in cooperation with the Public Legal Education and Information Service of New Brunswick

1912 In 1997-1998, the Commission collaborated with the Public Legal Education and Information Service of New Brunswick (PLEIS) in the organization of a luncheon in Fredericton to commemorate Law Day. Journalist Douglas Nairne, of the Winnipeg Free Press, who reported on the first charge of hate on the Internet in the case of Inbred Jed, was the featured speaker on Racism and Hate Crimes on the Internet.

Celebrating Differences / Vive la différence Youth Jamboree and Poster Contest in collaboration with the Boys and Girls Clubs of New Brunswick

1913. In keeping with the Commission's interest in promoting respect and an appreciation of human rights among young people, the Commission co-sponsored a poster contest with the Boys and Girls Clubs of New Brunswick. The winning poster by 12 year old Seana Munro of Saint John had as its theme Speak like the Sun Shines/S'exprimer comme le soleil brille. The poster was printed and made available to individuals and organizations.

1914. To honour the Commission's 30th anniversary, the Boys and Girls Clubs adopted the theme Celebrating Differences/Vive la difference at its annual jamboree in Saint John. This jamboree was attended by over 100 children and youth from across the province. Commission member Ralph Thomas was the keynote speaker and a staff member served on the organizing committee for this event.

Growing Together: A Youth Forum on Equality, Language and Culture in cooperation with Dialogue NB

1915. The Commission accepted an invitation from Dialogue New Brunswick to participate in the organization of Growing Together: A Youth Forum on Equality, Language and Culture, held at the Memramcook Institute from October 31-November 2, 1997. Other members of the organizing committee included the New Brunswick Youth Council and l'Association des jeunes francophones du Nouveau-Brunswick. The Chairman brought greetings on behalf of the Commission and the Associate Director for Education and Development was one of the conference organizers and presenters.

1916. A staff member is a member of the committee of resource persons for the "Projet éducation à la citoyenneté dans une perspective planétaire en Atlantique (PÉCPPA)". This project, undertaken by the "Groupe de recherche dans une perspective mondiale" at the Université de Moncton and funded by the Department of Canadian Heritage, is analysing the needs of teachers and schools in the Atlantic provinces' francophone school districts with the purpose of facilitating education in the area of global rights, and coordinating access to educational and community resources.

Publications

1917. The Commission's Web site was updated and expanded to include new graphics, an extensive glossary, upcoming events, as well as information about the Commission and the Act, the text of many of the Commission's publications, equality rights resources and activities, and links to the *Human Rights Act*, the Commission's press releases and other equality websites.

1918. Ten Fact Sheets were published by the Commission, including:

- The New Brunswick *Human Rights Act*;
- The New Brunswick Human Rights Commission;
- Human Rights and Public Services;
- Human Rights and Employment Practices and Conditions;
- Human Rights and Employment Agencies;
- Human Rights and Job Advertisements;
- Human Rights and the Pre-employment Process;
- Human Rights and Workplace Accessibility;
- Human Rights and Sexual Harassment; and
- Human Rights and Housing.

1919. In conjunction with its thirtieth anniversary, the Commission published Equality in Action — The New Brunswick Human Rights Commission: 30 Years in Review 1967-1997. This publication with several photos chronicles the evolution of human rights in New Brunswick over the past three decades. The book is dedicated to people everywhere who sought and continue to seek "equal justice, equal opportunity and equal dignity without discrimination."

1920. A study guide to accompany the Commission's Vision for Equality video series was developed and published. It includes several workshops and activities to accompany the video series.

1921. In 1995, the Commission was first in Canada to establish a site on the World Wide Web. The Commission's Web site was updated and expanded. Included was a section on the fiftieth anniversary of the Universal Declaration of Human Rights, with a short biography of John Humphrey and several links. The Commission's Service Guarantee and the biographies of the Commission members were also added. The site was visited an estimated 28,000 times during the year. It can be found at www.gnb.ca/hrc-cdp/e.

1922. The Commission published news releases to mark major human rights days and to announce the winners of the Web and essay contests, the recipient of the Human Rights

Award, the Commission's new publications as well as the release of the *Hill and Brewer v. Woodside* Board of Inquiry decision. The Chairman of the Commission also issued an opinion editorial to commemorate Human Rights Day, December 10.

1923. A list of publications and resources available from the Commission was sent to several human resource managers and employment agencies, schools, libraries and government departments across the province.

Fiftieth Anniversary of the Universal Declaration of Human Rights

1924. In 1998, the Commission engaged in several activities to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights, which was signed on December 10, 1948.

1925. This anniversary is especially significant because it was a native of Hampton, New Brunswick, John Peters Humphrey, who wrote the first draft of what eventually became perhaps the most important human rights document in history. In 1946, Humphrey was asked to set up the United Nations' Division of Human Rights, of which he became the Director. In this capacity, he prepared a 400-page background paper for the proposed declaration and wrote its first draft in 1947. After further drafts and revisions by various UN officials and committees, the Universal Declaration of Human Rights was adopted by the UN in 1948. Humphrey remained as Director of the UN Division of Human Rights until 1966.

1926. On October 8, 1998, Commission representatives attended the launch by Canada Post of the John Humphrey commemorative stamp. The launch was held at R.C.S. Netherwood School in Rothesay, which Humphrey had attended for four years as a young man.

1927. To mark the fiftieth anniversary, the Commission undertook the following initiatives:

- A kit was developed and sent to every school in the province. It included information about the Universal Declaration and John Peters Humphrey, an essay on the importance of human rights education, a list of materials available from the Commission, as well as a poster-sized version of the Declaration.

- A letter was sent to the mayors of 40 cities, towns and villages, together with the poster of the Universal Declaration, inviting them to commemorate Human Rights Day.

- A Web contest was co-sponsored by the Commission and Fundy Communications. Its objective was to develop interesting Web-based projects that promote respect for diversity and an understanding of the rights and responsibilities set out in the *Human Rights Act*. The winning entries were added to the Commission's Web site.

- In addition, an area focussing on the fiftieth anniversary was included in the Commission's Web site. It includes a short biography of John Peters Humphrey, a discussion on the importance of human rights education and a list of print, video and Web resources.

- A panel discussion entitled "Extending Canada's International Humanitarian and Human Rights Obligations" was held at the Fredericton Public Library on April 18. U.N.B. Law professors John McEvoy and Donald Fleming discussed the role that Canada should play in relation to a Permanent International Criminal Court and the *American Convention on Human Rights.*

Initiatives Involving Young People

1928. Commission staff participated in several initiatives designed to promote an understanding of human rights among young people. These activities include:

- Round Table on Youth and Human Rights — The Commission's Chairman gave an opening address welcoming participants to a round table on youth and human rights held in Grand Falls from November 13 to 15, 1998. The round table was one of a series of conferences leading to the "VIII^e Sommet de la Francophonie," which brought heads of state from across the French-speaking world to Moncton in September 1999. A member of the staff also gave a short presentation on the sources of youth rights, the constraints on those rights and some options for improving them. A publications display was also set up. About 95 persons from across the province attended.

- Our Generation . . . a Youth Forum on Respect and Understanding — This eighth annual Youth Forum was sponsored by Dialogue New Brunswick in cooperation with the Fédération des jeunes francophones du Nouveau-Brunswick, the New Brunswick Youth Council and the Human Rights Commission. It brought together 73 young people from across the province to the Memramcook Institute in October, 1998, to discuss respect for other cultures and discrimination and its impact on society, with the objective of heightening awareness of discrimination and finding ways that everyone could improve their communities.

- An Afternoon of Reflection and Dialogue — This workshop on April 21, 1998, was sponsored by the New Brunswick Community College in Woodstock in response to a couple of racial attacks on students. It involved the entire student body of the college. The Associate Director of the Commission was consulted with respect to this project. She facilitated a discussion aimed at developing a Code of Respect and Tolerance for the college.

- Youth Info Fairs — The Commission set up displays at information fairs organized by the Youth Employment Strategy Canada in Saint John and St. Andrews.

1929. Since 1995, the Human Rights Commission has held meetings with Department of Education officials with respect to the infusion of human rights principles into the school curriculum.

Hate incidents

1930. In 1998-1999, the Commission focussed more of its efforts on the growing problem of hate incidents, recognizing that hate fosters fear and mistrust in our neighbourhoods, workplaces and schools and destroys the mutual respect necessary for strong healthy communities. These are some of the activities undertaken during the year under review:

- Hate Incidents in the Atlantic Provinces — The Commission's Associate Director presented a paper on this topic at the 12th Annual Atlantic Crime Prevention Conference, June 6-7, 1998. This conference received much local and national media coverage.

- Combatting Hate in our Communities — The Associate Director was a guest speaker for the annual meeting of the New Brunswick Block Parents Association in Loggieville on October 3. Participants were very interested in this topic and took part in a lively discussion.

Education

1931. Summer Institute on Human Rights — The Commission provided advice and feedback regarding the course description and rationale for a summer institute called Teaching for and about Human Rights sponsored by St. Thomas University and the Atlantic Human Rights Centre. The Commission's Associate Director of Education also presented the following sessions: An Introduction to the Human Rights Act; Developing a Human Rights Code for your Classroom or School; Hate Crimes in the Atlantic Provinces: A Response for Equity and Diversity in the Multicultural Community. The Commission's educational materials were also presented.

1932. Atlantic Area Global Perspective to Citizenship Education Project — A Human Rights Officer is a member of the committee of resource persons for this project, which was undertaken by a global perspective research group at the University of Moncton. The project is focussed on analysing the needs of teachers and schools in the Atlantic area francophone school districts in order to facilitate education in the area of global rights and coordinate access to education and community resources. The project's research team has compiled an inventory of educational materials and will be updating a resource guide and creating a Web site.

1933. About 20 presentations on various human rights issues were delivered by the Commission's staff to school, college and university students during the year; in addition, nine presentations were made to job finding clubs and youth apprenticeship programmes.

1934. The Commission's other materials, such as the Vision for Equality video series and the Rights and Responsibilities teacher's guide, were also provided to teachers who requested them.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

1935. In September 1994, the Information Highway Secretariat was established within the Department of Economic Development and Tourism in order to stimulate maximum economic benefits in the Province. The Secretariat became a one-stop point of entry for all activities related to information technology.

1936. A standard rate for Internet connections was established.

1937. A government-wide communications and technology architecture was set up. The Government became a model user of information technologies.

1938. The Government worked with community groups, educators, libraries and cultural institutions to set up NetLearn — a lifelong learning project for the provision of New Brunswick content on the Internet in both official languages.

1939. In 1995-1996, the Information Highway Secretariat was mandated to create in New Brunswick a truly information technology-friendly society. A technology infrastructure was put in place and human resources were trained. New information technology companies were started in the Province, which in turn created more jobs. This has progressed further each year.

1940. New Brunswick was the first Province to have all its schools interlinked, as well as being connected to the Internet.

1941. New Brunswick was the pilot province for the federal Community Access Program where communities were provided access sites to the Internet.

1942. The Province was the official launching site in 1995 for National Science and Technology Week with opening ceremonies held at the Miramichi Community College.

1943. In 1996, the Province created a free ItJobNet Web site which involved three searchable data bases: Job openings in New Brunswick companies, posting of individual resumes and the listing of IT companies in New Brunswick.

1944. A Premier's Forum on New Brunswick's Information Technology Workforce was held resulting in actions plans that were undertaken. The Advanced Training Technology/Multimedia sector doubled in size over the year.

1945. Connect NB was established to create over 200 sustainable electronic Community Access Centres in rural New Brunswick. These Centres have since been established.

1946. A "Get Connected" Program was put in place that provided a refund of provincial sales tax for people purchasing personal computers for home use. This program was repeated in 1997 and also included a refund equal to the HST. This offer included the purchase of upgrade packages including modems.

1947. Programs on using the computer, software and the Internet were supplied to the public by the community access centres.

1948. A single entry point for clinical trials to be coordinated in New Brunswick was established. This greatly increased the efficiency and quality of the trials. More doctors, patients and hospitals became involved. More jobs were created and revenues into the Province increased.

1949. In 1998 and 1999, the delivery of earlier programs progressed further. Curriculum development for Internet application increased as did the number of various training initiatives and workforce development. A New Brunswick Information Technology Industry Directory has been developed and revised as needed.

1950. New Brunswick residents and others are able to take part in the Province's cultural life through a number of cultural activities and resources that are supported/maintained through several provincial programs. For example, the Culture Division, in partnership with the Department of Education, has introduced two programs: the Artists in the Schools Program which is accessible to all students and exposes them to New Brunswick's various art forms; and school Heritage Fairs which engage students in historic research, presentation and a discovery of their family's/community's/province's past. Other supporting activities of government include support of cultural festivals, the ongoing promotion of Heritage Week, and the provision of financial and in-kind support to the museum community.

1951. Steps taken by government to ensure the conservation, development and diffusion of culture include collaborative work of the Culture Division with: the Department of Labour (now the Department of Training and Employment Development) to ensure employment creation program criteria permit access by the cultural sector; the Department of the Environment on the inclusion of cultural resources within the Province's environmental impact assessment process under the *Clean Environment Act*; as well as assistance to other departments and communities regarding the preservation of cultural resources. Three francophone community centres receive provincial/federal support to assist the preservation and growth of francophone cultures in the province.

1952. The development of culture in New Brunswick has also been supported by government through funding for a number of major initiatives such as the Sound Initiative, Film New Brunswick and the Millennium Fund. The province benefited from the Canada/New Brunswick Co-operation Agreement on Cultural Development, which expired in 1995. Support under this agreement was directed to research and development, planning, marketing and promotion. Beneficiaries were local artists and artisans, cultural organizations and businesses, and the cultural industries in New Brunswick.

1953. The establishment of an Arts Board that will promote professional cultural activity is in progress. This body will be supported by government through the Arts Trust Fund but will be managed by the cultural sector for the cultural sector. The Board will be representative of various cultural interests and will have the freedom to deliver grants and to create new cultural programs independent of government. It is also anticipated that the Board will observe programs and efforts of government to ensure government fulfillment of its commitments vis-à-vis the cultural community.

1954. New Brunswick is a signatory to the Québec/New Brunswick Agreement which encourages artistic interchange between the two provinces.

Nova Scotia

Article 6: Right to work

Steps taken to safeguard the right to work

1955. The Nova Scotia *Human Rights Act* continues to protect Nova Scotians from discrimination on the basis of family and marital status, sex, age, ethnic origin, Aboriginal origin and political affiliation, activity or association.

1956. The Nova Scotia Human Rights Commission has investigated a number of complaints of retaliation. Based on the *Broussard* (SCC) decision, the Commission also pursues complaints where a person has been denied employment, based on anti-nepotism policies, under the grounds of marital and/or family status. However, *bona fide* exceptions are recognized.

1957. The Nova Scotia Human Rights Commission will also accept and investigate complaints from individuals who, as a result of filing a complaint, giving evidence or otherwise assisting in the processing of a complaint of discrimination, are subjected to retaliation. Numerous complaints have been received and processed under the additional grounds added in 1991. The *Human Rights Act* and Commission contribute significantly to enforcement of the right to work in a non-discriminatory environment, and the prevention and remediation of discriminatory failure to hire, failure to promote, discipline and terminations. In 1998, the Human Rights Commission obtained a regulation significantly enhancing its enforcement powers, by allowing the Human Rights Commission to register board of inquiry monetary orders with the Supreme Court and enforce them hereunder. Since 1998, several recalcitrant respondents have accordingly been required to pay outstanding awards to complainants.

1958. The Minimum Wage Order, a regulation under the *Labour Standards Code*, sets minimum wage rates for persons performing work under provincial jurisdiction. As of October 1, 1999, the minimum wage was $5.60 per hour for experienced workers and $5.15 per hour for inexperienced workers.

Technical and vocational guidance and training

1959. In 1996, the *Community Colleges Act* established the Nova Scotia Community College as a corporate body operating independently from the Province. It is a post-secondary institution offering 140 certificates and diploma programs at 13 campuses throughout the Province. These programs cover a broad spectrum of occupational and academic areas from Applied Arts and Communication, Business, Computing, Construction, Health and Human Services, Hospitality and Tourism, Industrial Trades and Technologies. A tuition fee of $1,750 per program is charged.

1960. Since 1993, the Collège de l'Acadie has offered certificate and diploma programs in a post-secondary setting in french to the Acadian and Francophone regions of the Province.

1961. The Collège relies on advanced distance education technologies to dispense technical and professional training. Its audio graphic and video-conferencing networks allow ordinary classrooms to be transformed into interactive distribution centres. The Collège offers programs in Human Services, Early Childhood Education, Home Health Aide, Information Technology. Six Learning Centres are located in the Province of Nova Scotia and a seventh in the Province of Prince Edward Island. Tuition is $1,500 for certificate and diploma programs.

1962. During the period 1994 to 1999, the Nova Scotia Department of Community Services developed a variety of programs and services designed to support social assistance recipients to make successful transitions to employment. Major initiatives in partnership with Human Resources Development Canada have created Job Search Centres throughout the province. These locations offer assessment, counselling and job placement services.

1963. Specific projects have been developed to better address the needs of youth, single parents and individuals having a disability. These include programs focussing on community capacity building, entrepreneurship and cooperative development.

1964. On a yearly basis, approximately 8,000 social assistance recipients participate in these services of whom 4,000 receive employment.

The participation of women

1965. In 1996, the Women's Directorate was merged with the Nova Scotia Advisory Council on the Status of Women. The mandate and powers of the Council are defined in the Advisory Council on the Status of Women Act, 1977. These are to advise the Minister on matters relating to the status of women and to bring to the attention of the Minister matters of interest and concern to women. Promoting economic equality of women is one of the four strategic goals of the Council.

1966. Between 1994 and 1998, the Nova Scotia Advisory Council on the Status of Women actively assisted with the development of two successful projects to develop women's capacity to participate in community economic development, *Counting Women In* and *Women In CED*. Council also developed several initiatives to improve women's options for paid work and to encourage their participation in jobs where they are under-represented. Council organized an annual program of events throughout the Province entitled *Take Your Daughters to Work Day*, encouraging girls and young women to become part of the workforce of tomorrow. *Hopes, Dreams and Directions,* forums with young women of high school age, were held in numerous locations in the Province to encourage young women to think about their economic futures.

1967. Council also sponsored numerous events and provided active support for several projects to support women's participation in science and technology and other 'non-traditional' jobs, in business, and in community economic development initiatives. These included the development of public sessions to inform women about careers in an emerging offshore gas and petroleum industry; ongoing provision of advice and in-kind support to the Association of Nova Scotia Women in Education and Research in Science (ANSWERS) to assist them in addressing the dilemmas facing women in science, engineering and technology careers; and facilitating the development of diversity education and employment equity processes in alongshore industry, resulting in the entry of some 27 women to this field.

Article 7: Right to Just and Favourable Working Conditions

Fair wages and equal remuneration for work of equal value

1968. The *Pay Equity Act*, R.S.N.S. 1989, c.337, became law in 1988. By December 1996, all public sector employers had completed their pay equity process and had fulfilled all obligations under the *Pay Equity Act*.

1969. The *Human Rights Act* contributes to the promotion of healthy working conditions. Complaints relating to working conditions in which discrimination is alleged under any of the enumerated grounds as well as sexual harassment and racial harassment, may be the subject of complaints to the Human Rights Commission. As well, complaints alleging sex based wage differentials may be dealt with as complaints of discrimination.

1970. The Nova Scotia Advisory Council on the Status of Women successfully supported the coverage of domestic workers in provincial labour standards.

A decent living for women and their families

1971. The Nova Scotia Advisory Council on the Status of Women actively participated in the development of federal/provincial/territorial Status of Women forum initiatives to promote economic equality for women. In 1996, Council played a major role in publicizing the release of *Economic Gender Equality Indicators*, a set of benchmarks that measure total workload, including paid and unpaid work, as well as gender differences in the areas of income, work and learning and which can be used as an effective tool for analysing labour market policy from a gender perspective.

Safe and healthy working conditions

1972. The *Occupational Health and Safety Act*, S.N.S. 1996, c.7, provides extended protection to employees at the workplace granting them the right to refuse to work if they have reasonable grounds for believing that work may endanger their health or safety or safety of any other employee.

1973. In 1997, the Nova Scotia Advisory Council on the Status of Women updated and released a second edition of *Making Changes: A book for Women in Abusive Relationships* which was distributed widely to individuals, agencies, and various professionals dealing with issues of abuse throughout the province, including to occupational health and safety and employee assistance officers. In 1998, the Nova Scotia Advisory Council on the Status of Women organized an information workshop on criminal harassment, including criminal harassment at work, for justice officials, policy-makers and community groups.

Equal opportunity for everyone

1974. Under the Nova Scotia *Human Rights Act*, the Commission may approve programs of government, private organizations or persons that aim to improve the conditions of disadvantaged individuals or of class of individuals who are disadvantaged because of characteristic protected under the Act. The Human Rights Commission currently has 19 such programs in the province, five of which have been renewed since 1994 including agreements with the Halifax and Cape Breton Regional Municipalities. These agreements are framed to include target representation that accurately reflect the percentage of the provincial population the enumerated grounds represent.

1975. The *Human Rights Act* also permits exceptions in situations that may be reasonable and justifiable, such as the case of *bona fide* occupational requirement. It allows employers to set requirements or preferences for employees, which are normally prohibited under the Act but which conform to proven, job-related safety standards. Since 1996, the Human Rights Commission no longer grants exceptions/exemptions in advance except in very rare circumstances; staff give interested parties information, advice and assistance to ensure requirements or preferences are bona fide and not likely to result in a substantiated complaint; however, complaints are taken and bona fides of the requirement or preference is determined by the HRC — onus is on employer/service provider to establish *bona fides*; if established, complaint is not pursued or discontinued.

1976. The Provincial Government and the Nova Scotia Government Employees' Union are continuing to work to improve Affirmative Action in the civil service. The Affirmative Action Policy is being revised to further assist departments with the identification and removal of barriers to hiring and advancement. Since the workforce analysis survey was undertaken in 1993, all new hires into Government are requested to self-identify and the Government monitors demographic changes on a monthly basis. As of March 31, 1999, the representation of affirmative action groups in the Provincial Government included 30 persons of Aboriginal origin comprising .40 percent of the Government workforce, 157 black persons representing 2.08 percent of the Government workforce, 59 other racially visible persons comprising .78 percent of the Government workforce and 456 persons with disabilities representing 6.03 percent of the Government workforce. The representation of the affirmative action groups as a percentage of the working age population in the Province of Nova Scotia is presented as follows: persons of Aboriginal origin — 1.24 percent, black persons — 1.82 percent, other racially visible persons — 1.57 percent, no information is available for persons with disabilities. As of March 31, 1999, having regard to full-time civil servant statistics by gender and salary, 43 percent of the women and 11 percent of the men employed in the civil service earned less than $30,000 per year while 40 percent of the men and 29 percent of the women earned more than $45,000. Overall, the percentage of both men and women earning less than $30,000 per year has decreased with a corresponding increase being noted for both groups earning more than $45,000. The total civil service is comprised of 7,400 persons.

1977. In addition to the introduction of the Government Affirmative Action Policy in April 1993, the Government has introduced a number of other programs to promote participation of persons from the affirmative action groups. The Government introduced a Fair Hiring Policy in 1994 which reinforces the Government's commitment to ensuring equal opportunity and employment to all qualified persons. The Government also introduced Race Relations Training which is offered to all Government employees over a one-day period and which is designed to increase awareness and sensitivity to employment equity and diversity in the workforce. The Summer Employment Diversity Initiative Program ensures equality of opportunity for summer employment to students who fall within the affirmative action groups and a Summer Employment Mentorship Program is offered for female students in non-traditional occupations.

Disabled Persons Commission

1978. The primary purpose of the Nova Scotia Disabled Persons Commission is to provide for the participation of Nova Scotians with disabilities in the development of government policies and programs which directly relate to or affect them.

1979. Specifically, the Commission is a mechanism to:

- ensure that the concerns of persons with disabilities are promoted within, and considered by, the government, especially in matters of policy and where concerns affect several departments of the government;
- facilitate communication of information on programs and services available to Nova Scotians with disabilities; and
- review existing government policies and programs which relate to or affect persons with disabilities to ensure that they are appropriate, effective and reflect the needs and concerns of the community.

1980. Some of the initiatives that have had an impact on the social, economic, and cultural rights of people with disabilities over the period from 1995 to 1999 include:

- The Report and Recommendations for Inclusive Transportation for Nova Scotia has resulted in the Accessible Transportation Assistance Program, the Community Based Transportation Action Plans Initiative and the Inclusive Transportation Pilot Projects (1995-99)
- A Report entitled *Networking for Effective and Efficient Disability Supports (NEEDS).* This report developed a strategic vision for disability services in Nova Scotia (1996)

- A Report and Recommendations on Sign Language Interpreter Services for Deaf and Hard of Hearing Nova Scotians that lead to the adoption of a Corporate policy (1999)
- Report and Recommendations for Social Assistance Restructuring (1998)
- The publication of a Directory of Programs and Services for Persons with Disabilities in Nova Scotia (1998)
- The publication of Employment Resources Directory for Persons with Disabilities in Nova Scotia (1999)
- The provision of advice from the disability perspective in the development of the Employability Assistance for People with Disabilities Initiative (1997-99)
- Recognition of December 3, 1998, as International Day of Persons with Disabilities and the theme *Arts, Culture and Independent Living* through a public performance by students of the Atlantic Provinces Special Education Authority.

Article 8: Trade Union Rights

1981. Nova Scotia's principal legislation concerning Article 8 remains unchanged since its last submission.

Article 9: Right to Social Security

1982. During the fiscal year 1998-1999, approximately 42,000 identified clients (Family Benefits & Social Assistance) received income assistance benefits every month for an annual cost to the province of $ $335.7 million.

1983. The Province of Nova Scotia presently operates under a two-tier income assistance system, namely Social Assistance and Family Benefits. As of April 1, 1998, the Province of Nova Scotia completed the transfer of delivery of the Social Assistance program previously delivered by the municipal level of government. A portion of this initiative was completed in August 1995 with Cape Breton Regional Municipality and April 1996 with the Halifax Regional Municipality and the Regional Municipality of Queens. The Social Assistance Program provides financial assistance to persons "in need" where eligibility is usually of a short-term nature. As part of the Social Assistance program special needs may be provided to individuals and families for health, safety and employment related needs. As of March 31, 1999, there were 14,039 clients receiving Social Assistance, supporting approximately 3,518 spouses and 11,099 children. The Family Benefits Program provides financial assistance to sole support parents and persons with disabilities and families "in need" where the need is likely to be of a prolonged nature. As of March 31, 1999, there were 27,969 clients receiving Family Benefits, supporting approximately 2,000 spouses and 22,000 children.

1984. The province has announced that it will move toward a one-tier system of administering income assistance scheduled for implementation August 1, 2001.

1985. Nova Scotia does not recognize the Statistics Canada Low Income Cut-Off as the definitive poverty indicator. Currently, there is a Federal/Provincial Working Group exploring poverty indicators including market basket measures to try to develop a consensus on an adequate national measure of poverty.

1986. The Pharmacare Program provides prescription drugs to eligible Social Assistance and Family Benefit clients and their families. In the fiscal year 1998-1999, $26,000,000 was expended for the provision of this important service.

1987. The Nova Scotia Advisory Council on the Status of Women developed briefs and recommendations for government on employment insurance reform, public pension reform, social assistance reform and maintenance enforcement reform.

Article 10: Protection of the Family, Mother and Child

Protection of the family

1988. In the fiscal year 1992-1993, the Province provided an additional one million dollars to further enhance the childcare subsidy program. One hundred new subsidized spaces were created, a special subsidy rate for infants was implemented and infant care standards were created. Since 1993, 50 new subsidized childcare spaces have been introduced on an annual basis, in an effort to respond to the needs of low income Nova Scotians. Of the 50 new spaces allocated, five "specialized" or "differential" seats were allocated each year for children with special needs to support the inclusion of young children with special challenges in childcare.

1989. The Nova Scotia Department of Community Services has consistently increased the number of subsidized child care spaces, enabling low income families and parents requiring education/retraining, to maintain employment and/or pursue educational opportunities.

1990. The *Children and Family Services Act* provides clear rules and states unambiguously that wherever possible family units are to remain together, assisted by a wide range of supports. It provides in several of its sections, a requirement that the best interest of the child be considered in decisions affecting children. Some circumstances as relevant to the best interest of the child are listed in previous reports under this Covenant.

1991. The Province of Nova Scotia implemented a Framework for Action Against Family Violence in 1995. The Framework was designed to improve the response of the justice system to victims of spousal/partner violence. Pro-charge, pro-arrest, pro-prosecution policies were put in place and all justice workers in the province (police, Crown attorneys, court officials, corrections and victim service workers) received intensive training. Funding was provided to community agencies to provide enhanced victim support services. A tracking system was established to monitor the response of all justice components to incidents of spousal/partner abuse. Preliminary results from the tracking system indicate that charge rates have improved significantly. A primary rationale for the implementation of the Framework was the protection of children who are adversely affected by witnessing violence between adults with whom they are living. The

Framework provides strict directives for police reporting of abusive situations to child welfare authorities in order to protect children.

1992. In partnership with volunteer organizations and police agencies, the Province has implemented a protocol for screening volunteers applying to work with children and other vulnerable populations. The program involves police record checks and other collateral background checks as well as a training program and resource materials to sensitize volunteer organizations to the need to undertake intensive screening to protect vulnerable populations from potential abuse.

Nova Scotia Child Benefit

1993. In Nova Scotia, during the 1998-99 fiscal year, the National Child Benefit generated $11.2 million, and in the 1999-2000 fiscal year it generated $19.9 million dollars. The Nova Scotia reinvestment programs include the Healthy Child Development Initiative which provides support to child care programs, early intervention programs and community-based prevention programs for children at risk. Centre-based childcare will be expanded by increasing the number of subsidized spaces and providing portable spaces across the province for children with special needs.

1994. Nova Scotia's primary reinvestment program is the Nova Scotia Child Benefit (NSCB) which is an income support program for low-income families with children. Originally it was provided to all low-income parents with an annual net income below $16,000. Beginning in July 1999 partial payments were extended to families with net income between $16,000 and $20,921. The annual cash benefit increases by $74 per child in July 1999, resulting in the provision of $324 for the first child, $242 for the second and $210 for the third and each additional child in low-income households. Approximately 60,000 children in 35,000 low-income families will benefit from the NSCB this year.

1995. National Child Benefit funds have enabled 150 subsidized childcare spaces to date, 70 of which were designated to rural Nova Scotia, thus further addressing the needs of rural families. As well, 30 differentially funded spaces for the inclusion of children with special needs in child care centres, have provided opportunities for children to be integrated into community child care programs. Infrastructure grants to non-profit childcare facilities have supported centre-based initiatives, with the purpose of enhancing the quality of care provided. The establishment of three new Early Intervention programs and additional supports for existing programs have enabled approximately 100 children with developmental disabilities and families to receive home-based interventions.

1996. In Nova Scotia, there were 166 adoptions finalized during the fiscal year 1998-99. Out of the 96 private adoptions which were finalized, the child was placed with relatives in 80 cases. The remaining children were placed by Children's Aid Societies, Children and Family Services and other child-placing agencies. Linguistic, cultural and racial heritage as well as religious faith must be given due regard in determining the best interest of the child placed under temporary or permanent care and custody or adoption. Agencies placing children for adoption will consider the child's background and the wishes of the birth parent.

Protection for mothers

1997. Both the *Human Rights Act* and the *Labour Standards Code* provide protection to women in the area of employment who take temporary leave from work for the birth of a child. Based on human rights law and under Human Rights Commission policy, the Human Rights Commission takes the view that the *Labour Standards Code* sets a minimum standard only for guaranteeing a woman's job after pregnancy, and will take complaints based on pregnancy with less than the one year's employment service set out in the *Labour Standards Code*, if terminated or not accommodated etc.

Protection for mothers and children

1998. The Nova Scotia Advisory Council on the Status of Women works to reduce violence against women, especially in domestic situations. Council coordinated the governmental component of the annual *The Purple Ribbon Campaign* to increase awareness of domestic violence; in 1996, the Council organized workshops in different regions of the Province on the results of three research projects on family violence and in 1998, the Council published the second edition of *Making Changes: A Book for Women in Abusive Relationships* which achieved a circulation of 25,000. Meeting continuing demand will result in a third edition in 2001.

Special measures of protection and assistance for children

1999. The previous report outlined numerous special measures of protection under the *Youth Secretariat Act 1989*, *Labour Standards Code* and *Children and Family Services Act* that are still in effect.

2000. Section 6(a) of the *Human Rights Act* provides for exceptions to discrimination in respect of the provision of or access to services or facilities, to the conferring of a benefit on or the providing of a protection to youth or senior citizens. This allows for special programs for youth and seniors — which might otherwise be discriminatory.

Article 11: Right to an Adequate Standard of Living

2001. The Nova Scotia Advisory Council on the Status of Women provides information and referral to women in crisis resulting from poverty. Furthermore, the Council advises government on ways in which such crises may be avoided through improvements in legislation, policy and programs.

Adequate food

2002. Grants are provided by the provincial government to assist in the operation of food banks. As well, there are community organizations and churches that provide meals to people who are homeless and have low income.

Right to housing

2003. The Nova Scotia *Human Rights Act* prohibits discrimination in housing on the basis of family status, marital status, age and pregnancy. The Act also provides protection to persons in receipt of social assistance, or other government sources. While the overall percentage of complaints remains much lower than complaints on other grounds, the Human Rights Commission still receives and processes a number related to housing, including denial of housing on the basis of race, marital status, family status, etc.

2004. Complaints relating to covert denial of housing because of children continue to be received under the ground of family status; denials based on marital status are ongoing; complaints based on denial related to social assistance continue to be received. The latter are addressed under "source of income" where possible but difficulties relating to the amount and not source of income are (*inter alia*) prompting consideration of inclusion of social condition in the legislation (see concluding observations).

2005. The Human Rights Commission has handled some complaints relating as well to discriminatory treatment, falling short of eviction, by landlords (e.g. issues relating to religion and religious practices by tenants.)

Article 12: Right to Physical and Mental Health

Highest attainable standard of physical and mental health

2006. Nova Scotia's Health Goals set an overall direction for health and established guidelines to help government, communities, organizations, and individuals make decisions that support health. The goals were developed by the Nova Scotia Provincial Health Council and accepted by the government in 1992 after extensive consultations with Nova Scotians. In 1999, Nova Scotia's Health Goals were reaffirmed by government to signify its ongoing commitment to achieving the Goals.

2007. Physical education and health education are compulsory components of public school programs for students in grades primary to nine. At the senior high level, the compulsory half-credits Career and Life Management 11 and Physically Active Lifestyles 11 include a number of health learning outcomes.

2008. The Department of Education, after an extensive consultation with education and health community partners, published a curriculum framework document, *Foundation for Active Healthy Living: Physical and Health Education Curriculum*, in 1998. Physical education is movement based and fitness focused. It involves the development of motor skills and knowledge of how the body works and how to keep it working. Health education encompasses the concepts of personal health management and health promotion.

2009. The Department recognizes that the general health, including the mental health, of learners contributes directly to their academic success. The Department is promoting a comprehensive school health education system including health education support services in the school and the community, and safe, health-promoting school environments.

2010. New curriculum for physical education at the elementary level (grades primary-12) was introduced in 1998 and at the junior high level (grades 7 to 9) in 1999. Physical education safety guidelines will be released in 2000.

2011. New curriculum for health education at the elementary level and for health/personal development and relationships at the junior high level has been developed but not yet implemented.

2012. In November 1993, the legislature passed the *Tobacco Access Act* which is aimed to prevent access to tobacco products by young people under 19 years of age. Accompanying regulations were passed in January 1996, and the act was further amended in June 1999, banning the sale of tobacco products in pharmacies.

2013. The Department of Health provides free medical care for insured services through its Medical Services Program. The Department also operates a dental program which provides preventative and some curative treatment without cost to children under the age of ten.

2014. The Nova Scotia Advisory Council on the Status of women has initiated and supported several projects to foster the health and well-being of young women. In 1997, the Council supported Planned Parenthood in the release of a report entitled *Just Loosen Up and Start Talking* and with the Department of Health participated in the development of a Round Table on Youth Sexual Health. The Council also organized and delivered a series of workshops on effective responses to dating violence with educators and agencies in various communities across the province. In 1998, the Council organized a series of day-long forums around the Province for young high school women to encourage them to think about strategies for their long term health and well-being.

2015. In 1996, The Maritime Centre of Excellence on Women's Health was granted five year funding through the Women's Health Bureau, Health Canada, to research women's health issues and promote policy recommendations and policy uptake on the issues. The Nova Scotia Advisory Council on the Status of Women actively supported the development and sustainability of the Centre and has participated in several joint projects and initiatives to foster new research on women's health issues and to promote policy uptake.

Nova Scotia's Senior's Pharmacare Program

2016. The Province of Nova Scotia provides prescription drug insurance to eligible seniors greater than or equal to 65 years of age who opt to participate in the program. Premiums and co-payments apply. Low-income seniors may apply for reduced premiums.

Mental health services

2017. Mental Health Services fund the Regional Health Boards to deliver the six Core Programs related to Mental Health. They are:

- Child and Youth
- Community Mental Health Supports for Adults
- Acute Inpatient
- Adult Outpatient/Outreach
- Specialty Programs
- Prevention/Promotion

2018. These programs provide a continuum of care and referrals are made in the Regions through general practitioners, inter-departmental, community organizations and self referrals.

2019. A medical service insurance funds psychiatric services either by contract or by providing psychiatric care on a fee for service basis.

Strengthening primary care in Nova Scotia communities

Background

2020. The Nova Scotia Department of Health is undertaking a major initiative to evaluate alternative methods of delivering, funding and managing primary care services. The goals of the Strengthening Primary Care in Nova Scotia Evaluation Initiative are to:

- improve patient/client centred care;
- improve responsiveness of primary care organizations/groups to community needs;
- improve access to comprehensive primary care;
- increase emphasis on health promotion and illness prevention;
- improve collaboration; and
- improve accountability.

2021. Four primary care demonstration project sites have been established throughout Nova Scotia. These include:

- North Queens Community Health Centre in Caledonia, Queens County
- The North End Community Health Centre in Halifax
- The Springhill & Area Healthy Community Society in Springhill

- The Healthy Pictou West in Pictou West

2022. Jointly funded by Health Canada's Health Transition Fund, a fund developed as a result of the recommendations of the National Forum on Health, and the Nova Scotia Department of Health, the Initiative's project sites will implement new ways of delivering primary care. The manner in which these changes collectively affect our ability to reach the goals of the Initiative will be evaluated. In each of the demonstration sites the following will be included:

- a nurse practitioner practicing collaboratively with one or more family physicians and other members of the interdisciplinary primary care team;
- alternative payment mechanisms for primary care providers (physician remuneration not based solely on fee-for-service); and
- information systems to support primary care services delivery.

2023. Other changes may also be included in response to the needs and capacity of the community where the demonstration project site is located.

2024. An extensive evaluation will be carried out through focus groups, patient surveys, chart audits, database analyses, observations and interviews with staff at the sites. The evaluation framework has been developed under the guidance of a multi-disciplinary Evaluation Working Group. Information gained from the evaluation of these demonstration sites will assist in informing future policy development for primary care in Nova Scotia.

Implementation/milestones

2025. The following milestones in implementation have been achieved to date:

- Contracts between the Department of Health and the sites have been signed.
- Nurse practitioners have been chosen for the four demonstration sites.
- The amendment of the *Pharmacy Act* to allow pharmacists to fill prescriptions by those nurse practitioners involved in the demonstration sites until December 31, 2002 is complete. The approval of regulations that delineate the drugs and medicines nurse practitioners may prescribe has also been completed.
- Information systems have been installed in the four demonstration sites.
- Health care providers and other site staff are being trained on the new clinical (electronic medical record, i.e., patient histories, drug lists, lab results, etc.) and practice management (e.g., billing, scheduling, patient registration) software.
- Baseline focus groups, patient surveys and site observations are aspects of the Evaluation that are currently underway.

Reduction of stillbirth and infant mortality

2026. *The Healthy Baby Program* is a shared program of the Nova Scotia Departments of Community Services and Health. The program has been in existence since 1991 throughout Nova Scotia. Its goals are:

- to contribute toward enabling pregnant and new mothers, who are recipients of Family Benefits, to achieve a healthy birth outcome through the provision of a combined program of a nutritional allowance and counseling service.
- to improve the birth weight of program participants, in part, by positively influencing the nutritional quality of maternal dietary intake.

2027. *A New Life: Prenatal Education* — The program is available to all pregnant women and their partners or support person throughout Nova Scotia. All pregnant women are encouraged to attend but priority is placed on increasing the participation of prima paras, adolescents, single parents, women who smoke, immigrants and isolated populations and other women/parents who frequently have greater needs for information and support. Its goals are to "enable pregnant women, their partners and their families to achieve a healthy pregnancy, optimal birth outcome, and positive adaptation to parenting" (Prenatal Facilitator's Guide, 1992).

Improved environmental and industrial hygiene

2028. Under the *Environment Act*, amended in 1998, an annual State of the Environment Report was produced. The first Report helped to identify indicators of an improving environment in Nova Scotia.

Prevention, treatment and control of disease

2029. The surveillance for communicable diseases in Nova Scotia continues to be a priority activity of the Department of Health. In 1998, 12 new cases of HIV/AIDS were reported, compared to five cases in 1997 and 13 cases in 1996.

2030. Home Care Nova Scotia provides care to persons with communicable diseases including persons with HIV/AIDS and MRSA+ individuals. The provision of care and care plans are based on assessed unmet needs, not on medical diagnosis.

Article 13: Right to Education

Development of human personality, sense of dignity and respect for human rights and fundamental freedoms; enabling all persons to participate effectively in a free society

2031. The Human Rights Commission has increased its stock of videos which are made available, with some restrictions, to the public, especially schools and professionals working in/with schools. The Commission receives regular requests to provide general information and resource material on the topic of human rights, to organizations, businesses, community-based agencies, government departments and educational institutions.

2032. The Nova Scotia Human Rights Commission continues to help with the organization and delivery of conferences on human rights both in the school system and the private sector. The Human Rights Commission has been very active in designing and delivering training to students and teachers on topics such as sexual harassment and racial discrimination and harassment. The Commission's Race Relations and Affirmative Action Division has been proactive in assisting in the resolution of race based crises in local schools, involving Black, Aboriginal and white students.

2033. A substantial amount of work has been directed toward the development of a train-the-trainer training program, designed to teach facilitation skills in the delivery of anti-discrimination workshops. This enables organisations to train their own employees which increases internal commitment to and promotes change around diversity issues.

2034. Commemorating special cultural events such as International Human Rights Day and International Day for the Elimination of Racial Discrimination continue as important opportunities to promote human rights, build partnerships and educate the public. The Commission is committed each year to ensuring these days receive public recognition.

2035. The *Education Act*, R.S. 1995-1996, legislated the creation of the Council on Mi'kmaq Education and the appointment of a Mi'kmaq representative to each regional school board having a tuition agreement with a native band. On February 14, 1997, a Tripartite Agreement was signed between the Mi'kmaq Bands in Nova Scotia and the Governments of Canada and Nova Scotia (the first of its kind in the country) affirming the right of Mi'kmaq jurisdiction over on-reserve education in Nova Scotia. This was reinforced in June 1998, when the Governments of Canada and Nova Scotia gave royal assent to a Mi'kmaq Education Act respecting the powers of the Mi'kmaq over on-reserve education. As a result of these events, schools on seven reserves operate fully under the control of the local bands.

2036. The Department established two divisions in the mid 1990's: African Canadian Services Division and Mi'kmaq Services Division. In addition, the Multicultural Education Consultant is part of the Student Services Division. The Department issued a provincial student discipline policy which includes sections prohibiting racial harassment which became part of the *Education Act* in 1997. This is currently being updated. Under the *Education Act*, school boards have a duty to establish policies that protect students from harassment and abuse.

2037. Dalhousie University, Nova Scotia's largest university, continues to operate programs designed to encourage and facilitate the enrolment of Black and Aboriginal students. The Transition Year Program has been operating since 1972. A Black Student Advisory Centre was established in 1992. In 1996, the James Robinson Chair in Black Canadian

Studies was established. The Indigenous Black and Mi'kmaq Program at the Law School, operating since 1989, has had 35 Black and 25 Aboriginal law students graduate.

2038. Other institutions which have programs targeted specifically at black and/or Aboriginal cultures include:

- St. Francis Xavier University — Bachelor of Education program provides the opportunity to concentrate in Diverse Cultures (including Black and Mi'kmaq studies) or Mi'kmaq Language
- University College of Cape Breton — Mi'kmaq Studies program designed to familiarize native and non-native students with the history, language, culture, and socioeconomic development of the Mi'kmaq First Nation
- Acadia and Mount Saint Vincent Universities offer courses in multiculturalism and Mi'kmaq culture, respectively, in their Bachelor of Education programs

2039. A Racial Equity Policy has been developed under the direction of the Department of Education. Consultation of the draft document will take place in the winter of 2001.

2040. The Department provides leadership in race relations, multicultural education, anti-racist education, cross-cultural understanding, and human rights issues. The public school program offers students opportunities to develop their intellectual potential and to develop attributes that promote individual, social, emotional, and physical well-being. Personal development is one of six areas of learning identified as essential graduation components to be developed in every subject area. The Department promotes learner-centred school environments that foster students' images of themselves as persons of dignity and value who deserve respect.

2041. New curriculum documents include strong statements regarding equity and diversity emphasize the expectation that all students will be successful regardless of gender, racial and ethno-cultural background, social class, lifestyles, or abilities. Policy guidelines regarding equity and diversity emphasize the importance of supportive learning environments that uphold the rights of each student and require students to respect the rights of others. A number of schools have undertaken safe school initiatives such as the League of Peaceful Schools and the Department has just completed a School Code of Conduct for the P-12 system.

2042. The Department has made a commitment to integrate children's rights education into the public school program, together with a focus on related responsibilities. Health education and social studies curricula currently in development reflect that commitment. In addition, the Department, in collaboration with the Children's Rights Centre of the University College of Cape Breton, is developing a teaching resource to assist teachers in integrating children's rights education across the curriculum at the grade six level. A similar resource for grade eight teachers is also being piloted.

2043. Implementation of *Foundation for Atlantic Canada Social Studies* began in 1999. This framework document describes the vital contribution of social studies in the areas of citizenship, global education, sustainable development, multiculturalism, anti-racism, and gender education. New social studies curriculum for grades primary to eight is being developed.

2044. The Department has developed policy guidelines and procedures for the selection and evaluation of learning resources authorized for use in Nova Scotia public schools. These include a Bias Evaluation Instrument which is mandatory before approval of learning resources.

2045. The mission of the Advisory Council on the Status of Women is to promote equality, fairness and dignity for all women.

2046. The promotion of educational opportunities for women, advice to government on educational issues that affect women, and public education on the numerous issues that affect women play a major role in Council's work to achieve its goals of inclusion and increasing the participation of women from diverse backgrounds in decisions which affect their lives; promoting women's economic equality; reducing violence against women in communities, workplaces and families; and improving the health and well-being of women and their families.

2047. In 1995, the President of the Nova Scotia Advisory Council on the Status Women participated at preparatory meetings for the Fourth United Nations World Conference on Women in New York and, along with eight other women from Nova Scotia, participated in the World Conference on Women in Beijing. The Council also supported Nova Scotia women's groups in pre-conference activities including a project to build awareness about the relevance of the UN and of the World Conference on Women to women's lives.

2048. Following the recommendations of a 1995 report *Who Will Speak for Us*, the Nova Scotia Advisory Council on the Status of Women took measures to ensure greater diversity of representation on the Council, ensuring that women from different regions of Nova Scotia and from different racial, economic and cultural backgrounds as well as lesbians and women with disabilities were represented on the Council.

Right to education

2049. Section III of the *Education Act*, provides for compulsory education to all children over the age of 5 years and under the age of 16 years. The *Education Act* also provides free public education up to the age of 21 years (section 5(2)). The Act, Regulations, and Special Education Policy strengthen the government's commitment to meeting the needs of students with special needs. A comprehensive review of the implementation of the Special Education Policy is underway with a report due in March 2001.

2050. Under the *Education Act*, Acadian and Francophone children are assured of their rights under section 23 of the *Canadian Charter of Rights and Freedoms* to receive homogeneous French-language instruction in homogeneous facilities. To oversee the implementation of this obligation, the Department of Education created the Acadian and

French Language Services Branch in 1995. In 1996, the Conseil Scolaire Acadien Provincial was created to be responsible for the operation and management of the Francophone educational system. There are now 21 Acadian schools in the province which offer French-language instruction, however, only one presently meets both homogeneous criteria. The Province will be announcing in the summer of 2000, a schedule of when other schools will offer homogeneous French-language instruction in homogeneous facilities.

2051. School Advisory Councils, which provide for parental involvement at the school level, are mandated under the *Education Act*. In addition, parents are eligible to serve on regional school boards. Other parent groups (Home and School Associations, Parent Teacher Associations) are also in place at the school level.

2052. The Education Funding Review Work Group, an advisory body created by the Minister of Education, meets annually to recommend public education funding formulae. One of the guiding principles of the Education Funding Review Work Group is the principle of equity, both horizontal and vertical. Equity in horizontal access means that the quality and availability of core programming in each community should be equivalent. Equity of vertical access means that children with different needs should be afforded different approaches to programming and service delivery.

2053. Women account for more of the full-time enrollment at universities, colleges, and institutes than men. Women also occupy many more part-time student spaces at university. For the academic year 1998-1999, females represented 57.9 percent of university students studying in Nova Scotia, an increase of .9 percent over the previous year.

Public education and awareness building

2054. Between 1995 and 1999, the Chair of the Nova Scotia Advisory Council on the Status of Women spoke regularly to the media and at numerous events and on issues of importance to women's equality and dignity, especially on issues affecting Aboriginal women, sole support mothers and issues related to family violence and access to justice.

2055. The Nova Scotia Advisory Council on the Status of Women's Information and Communication Service provides information on a regular basis on issues affecting women to policy-makers, women's groups and members of the general public. Some 2,000 requests per year are met. The Council's Community Liaison and Rural Outreach Services organized and conducted regular information sessions and workshops on issues affecting women throughout the period under review.

2056. In 1997, the Advisory Council organized a three day Provincial Women's forum, *Challenge to Change*, bringing together a wide cross section of women from across the province and from various sectors to share information, discuss critical issues and formulate recommendations in four areas of interest to women: the economy, education, health and human rights and the law.

2057. In 1995-1996, the Advisory Council held consultations with young women on issues of concern to them. In 1997 and 1998, Council developed a series of day-long forums with young women in different regions of the province entitled *Hopes Dreams and Directions: Twenty Years from Now.* The forums led young women to think about issues such as their educational aspirations, their economic futures, their personal safety, and their health and well-being.

2058. Between 1995 and 1999, the Advisory Council supported Aboriginal and African Nova Scotian women and women's groups in various projects including a project by the African United Baptist Women's Institute to develop awareness about domestic violence in the Black community. The video and educational guide is entitled *No More Secrets.*

2059. To build awareness of issues affecting lesbians, in 1996, the Nova Scotia Advisory Council on the Status of Women published *Letting in a Little Light: Lesbians and Their Families in Nova Scotia.* Copies were distributed to community and women's organizations and to school guidance counselors across the Province and requests for the publication came from around the world.

Equal access to education

2060. The Nova Scotia Advisory Council on the Status of Women developed briefs and recommendations to government on issues related to access to higher education for women and on student assistance.

2061. During the reporting period, the Nova Scotia Advisory Council on the Status of Women supported various projects and worked with numerous organizations and groups including the Nova Scotia Community College and Women in Trades, Technology and Operations Occupations (WITT-NS) to promote continuing education for women, especially in the fields of science, trades and technologies. Other programs supported by Council which encourage the participation of women in the knowledge based economy were:

- The Association of Nova Scotia Women for Education and Research in Science
- Women in Information Technology (Win IT)
- Hypatia (an ongoing program to improve science education for girls and women)
- Skills Nova Scotia, young women's forums to expose them to trades education
- Techsploration which pairs junior high school girls with mentors in trades and technology

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

2062. Nova Scotia's principal legislation concerning Article 15 remains unchanged since submission of the last report.

Prince Edward Island

Article 6: Right to Work

Amendments to the *Prince Edward Island Human Rights Act*

2063. On June 11, 1998, amendments to the *Human Rights Act* expanded the grounds for discrimination to include family status, sexual orientation, source of income and criminal conviction. All of these grounds prohibit discrimination in employment, and criminal conviction applies exclusively to employment. The Prince Edward Island Human Rights Commission independently administers and enforces the protection of human rights in the Province.

Prince Edward Island Human Rights Commission

Resolution of complaints of discrimination based on political belief

2064. Discrimination on the basis of political belief has been prohibited by the Prince Edward Island *Human Rights Act* since 1975. Following the provincial election on November 18, 1996, a large number of individuals filed complaints of discrimination in employment based on political belief. The PEI Human Rights Commission investigated the complaints of mainly seasonal employees hired under the former government. The Complainants alleged they lost their jobs, or were not re-hired for seasonal employment after the new government was elected, because they supported the previous government.

2065. By the summer of 1998, more than 800 complaints had been filed. Most of these complaints were resolved by the end of March 2000 by way of settlement with the Government. Two political belief complaints from 1997-1998 are still outstanding as of this report. A group of individuals have challenged the settlement "formula" in the Supreme Court of Prince Edward Island. The Prince Edward Island *Civil Service Act* was amended in 1998 to outline a procedure to be used when hiring casual/seasonal public servants, and to address job security for those people.

Employment

Diversity and equity

2066. The PEI Public Service Commission adopted an employment equity philosophy to increase the number of physically disabled and intellectually challenged employees in the public service. At the time of this report, 2-3 percent of the provincial government workforce consists of physically or intellectually challenged workers, with 8-9 percent as a goal to work toward.

2067. The Province's employment equity efforts were subsequently broadened to include equity and diversity, a concept which includes attracting Aboriginal persons, visible minorities, women in leadership and management, as well as women and men in non-traditional occupations within the public service. The number of employees from the Aboriginal and visible minority groups is below 1 percent at present.

2068. In 1999, an Employment Equity Officer was appointed to the Provincial Public Service to work toward the development of a public service that is representative of the diverse population it serves. The Officer's mandate is to educate and encourage individual departments to participate in hiring people from the designated groups rather than to require that certain quotas be met in the hiring process.

Native fishing rights

Effect of the Marshall decision on Prince Edward Island native fishers

2069. In September 1999, the Supreme Court of Canada recognized the constitutional nature of Aboriginal treaties and the right to trade, and acquitted a Mi'Kmaq person of charges of fishing eels and selling his catch contrary to federal fishing regulations: *R.* v. *Marshall* [1999] 3 S.C.R. 456. The Supreme Court decision enabled the Mi'Kmaq of Prince Edward Island to enjoy a limited right to participate commercially in the fishing industry; however, the federal Department of Fisheries and Oceans is interpreting the *Marshall* decision as applying only to on-reserve Aboriginals. The Native Council of Prince Edward Island, representing off-reserve natives, is currently protesting this interpretation.

2070. Unlike some native bands such as Burnt Church in New Brunswick, who want to implement their own conservation management and enforcement plans to give effect to the *Marshall* ruling, the two Prince Edward Island bands entered into a voluntary agreement with the Department of Fisheries and Oceans. This was an agreement to follow the regulations that the federal department already had in place. Despite this agreement, there was an incident in Alberton, P.E.I. where non-native fishers threatened to destroy a native lobster boat that was stranded in waters where non-natives were fishing. This incident was related to confusion on the part of non-native fishers over licenses that were granted to native fishers to fish a particular area in recognition of the *Marshall* decision treaty rights. The conflict was resolved when the native fishers received two licenses to fish in waters closer to their own community.

Article 7: Right to Just and Favourable Working Conditions

Increase in the minimum wage

2071. The Prince Edward Island Employment Standards Board has a mandate to meet once annually to review the minimum wage and make recommendations to the Provincial Government, Executive Council. In September 1999, the Board recommended a three-step increase in the minimum wage, which had remained at $5.40 per hour since September 1997. Executive Council accepted the Board's recommendations and amended the *Employment Standards Act* Regulations to give effect to the following future increases:

- increase to $5.60 per hour on January 1, 2000
- increase to $5.80 per hour on January 1, 2001
- increase to $6.00 per hour on January 1, 2002

2072. The Board recommended these increases in order to give employers a notice period, and to allow the tourism industry time to adjust its pricing structure.

2073. The Ministers of Labour for the Atlantic provinces are committed to similarity in the minimum wage in each of the four provinces. Therefore, the P.E.I. increase is on par with the other provinces, and the Prince Edward Island Employment Standards Board will continue to review the minimum wage each year. However, further efforts toward provincial wage parity are necessary, as Statistics Canada reports that workers in Prince Edward Island have the lowest weekly wage in Canada.

Article 9: Right to Social Security

Prince Edward Island Seniors Advisory Council

2074. The Prince Edward Island Seniors Advisory Council was created in June 1998, to serve in an advisory capacity to government through the Minister responsible for seniors and to provide an alternate means of drawing upon the knowledge and experience of the seniors of the province. The Council members are appointed by Government.

2075. The purpose of the Council is to advise the Provincial Government on current and future issues that concern the seniors of the province including developing or adapting existing policies, programs and institutions to the changing age structure in the province, i.e., the increase in numbers of seniors. The Council also has a mandate to foster positive attitudes towards aging, to liaise with government and community groups on current issues affecting seniors, and to advise on research studies and publish reports as required.

2076. In its first annual report published in June 1999, the Council identified three major areas of priority: a) promotion of positive attitudes towards older persons, b) improved access to home care and support services, and c) promotion of safe and secure environments. The Prince Edward Island Seniors Advisory Council has added a seniors Web site as a link from the P.E.I. government home page, providing information on services and programs for seniors.

International Year of Older Persons

2077. 1999 marked the International Year of Older Persons, and Prince Edward Island participated in the Fifth Meeting of Federal-Provincial-Territorial Ministers Responsible for Seniors. The conference held in St. John's, Newfoundland was for the purpose of examining issues and challenges posed by Canada's aging society. For example, the meeting addressed the safety and security of seniors with approval of a strategy for injury prevention and crime prevention. Supportive housing with a continuum of support arrangements that extend the time seniors can live independently in their community was recognized as a priority, along with the development of senior-friendly technology.

Article 10: Protection of the Family, Mother and Child

Five-year strategy for children

2078. Prince Edward Island is a partner in Canada's National Children's Agenda. To fulfill its role in this partnership, the Province announced, in the 1999 Throne Speech, the development of a five-year strategy for children from prenatal to early school years. The strategy is aimed at ensuring that all children are physically and emotionally healthy, safe and secure, successful at learning, socially engaged and responsible.

Family violence resource guides

2079. In 1999, the P.E.I. Department of Health and Social Services developed a Family Violence Resource Guide for use in hospitals, service centres and physicians' offices, as well as a resource guide for physicians and nurses entitled: "Family Violence: How You as a Health Care Professional Can Make a Difference!"

Article 12: Right to Physical and Mental Health

Physician recruitment

2080. To address a serious shortage of doctors on Prince Edward Island, the provincial Department of Health and Social Services established a Physician Resource Planning Committee for the purpose of directing and managing a physician resource plan for the province. In 1999, a radiation oncologist and a medical physicist were recruited and hired for the Provincial Cancer Treatment Centre at the Queen Elizabeth Hospital, and several other specialist positions were also filled.

2081. A Provincial Physician Recruiter has been hired and a Web site has been established for the purpose of attracting physicians to the Island, particularly in rural areas where there has been a high turnover of physicians in recent years. As well, since its inception in 1997, the Provincial Patient Registry has been successful in placing approximately one thousand Islanders and newcomers with a family physician.

911 Emergency Response System

2082. In June 1998, the Province of Prince Edward Island with Island Telecom Inc., the Cities of Charlottetown and Summerside, and the RCMP signed a Memorandum of Understanding to implement a 911 Emergency Response System servicing all of Prince Edward Island. The service is administered under the *911 Act*, and operates as a call transfer system from three public safety answering points. Persons with access to a telephone in emergency situations may be linked to the appropriate emergency service provider: police, fire, or ambulance by dialling 9-1-1.

Article 13: Right to Education

Minority language education rights

Arsenault-Cameron v. Government of Prince Edward Island [2000] 1 S.C.R. 3, [2000] S.C.J. No. 1 (S.C.C.)

2083. In a unanimous decision released in January 2000, the Supreme Court of Canada overturned a P.E.I. Court of Appeal decision and ruled that minority Francophone children have the right to schooling in their own community in their own language.

2084. The fight for French language education rights began in 1994 when parents made a request to the French School Board, based in Western Prince Edward Island, to establish an elementary school in the Town of Summerside. By January 1995, 34 students had pre-registered and the Board made a conditional offer of French first-language instruction in the community.

2085. Nevertheless, the provincial government refused to approve the School Board's offer and instead offered to transport students to the nearest French school outside the community. In November 1995, parents began court proceedings against the government of Prince Edward Island and, in January 1997, the Prince Edward Island Supreme Court Trial Division ruled that children had a constitutional right to French language instruction in Summerside.

2086. The provincial government appealed and in April 1998 the Prince Edward Island Court of Appeal overturned the trial level decision, finding in favour of the Province. In November 1998, the parents were granted leave to appeal to the Supreme Court of Canada and, in January 2000, the high court gave the Francophone community the right to education in French in their own community.

2087. Under section 23 of the *Canadian Charter of Rights and Freedoms* a province has a duty to provide minority language instruction in one of the official languages where the numbers warrant. The Supreme Court of Canada ruled that the Minister of Education's decision to not offer services in Summerside was unconstitutional. The Court noted that schools are the single most important institution for the survival of minority language communities and that the French School Board should have primary control over minority language education. To deal with the financial costs of the decision, the Minister of Education planned to seek federal resources to assist with the establishment of a French school in Summerside.

Newfoundland and Labrador

Article 6: Right to Work

2088. In December 1997, the *Human Rights Code* was amended to add sexual orientation as an express prohibited ground of discrimination. Along with the other enumerated grounds, employers are now prohibited from refusing to employ or discriminating against a person in regard to employment or a term or condition of employment because of a person's sexual orientation.

2089. There are a number of new wage subsidy programs in place since the last report. The *Student Work & Services Program* (SWASP) Paid Employment Component is a program designed to provide summer employment opportunities to students who plan to attend or return to a post-secondary institution. The *Graduate Employment Program* assists recent graduates from post-secondary institutions in obtaining employment in their field of study. Other programs include:

- *Linkages* — a youth initiative that is brokered to community based agencies that provides opportunities for young people to engage in career related work experience, participate in regular career planning workshops and to earn a training incentive toward the cost of post-secondary education.
- *NEWFOUNDJOBS* — assists recipients of income support in obtaining employment. The program offers, among other things, job counselling, short-term training and wage subsidies.
- *Employment Generation Program* — a wage subsidy program aiming to generate long-term jobs. The Program is opened to all sectors of the economy.
- *Seasonal Employment Generation Program* — assists in the seasonal tourism and service sectors to create new full time seasonal jobs.

2090. In 1994, the *Economic Diversification Growth Enterprises Act* was enacted. Under the Act, a corporation that is designated as an EDGE corporation is entitled to the investment and business development incentives provided by the Act including tax breaks and access to Crown lands.

2091. The Government's commitment to ensuring accountability in post secondary education is evidenced by the publication in 1999 of Career Search documents for both the public college system and Memorial University of Newfoundland. These publications provide detailed information on graduate employment, earnings, out-migration, student loans and length of job search, and describe graduates' options for their investment of time and money in their program.

2092. "Employment Experiences & Earnings of Recent Graduates, 1999 — Memorial University" and "Employment Experiences and Earnings of Recent Graduates, 1999 — College of the North Atlantic and Private Colleges" are designed to address the growing need for high quality labour market information in support of career and program planning. These reports are available via the Internet. A report of graduate outcomes for 1995 graduates five years after graduation will be available in the fall of 2002.

Article 7: Right to Just and Favourable Working Conditions

2093. The *Labour Standards Act*, RSN 1990, c. L-2, which provides uniform minimum standards of conditions of employment was amended in 1994-1996 to enhance the minimum standards. Employees who have been employed with the same employer for more than 15 years are entitled to three weeks paid vacation. The provision of bereavement leave has been extended to include the death of a grandchild. Also, since the last report there have been three increases in the minimum wage and minimum overtime rates. In October 1999, the rates were $5.50 per hour for the first 40 hours and $8.25 per hour for all hours worked in excess of 40 hours per week.

2094. The 1988 Pay Equity Agreement is now in the final stages of completion. The General Government Sector is concluded and the female dominated classes have been put onto the appropriate pay level (April 1999). The Health Care Sector 1 payments are finished and the Union and employer are negotiating the date for the placement on scale for those classes affected. The Nurses are the only group still receiving adjustments which are scheduled to conclude January 2001.

2095. Government has made a commitment to implement a new job evaluation system to ensure internal equity and fairness to all employees.

2096. The percentage of low income before taxes among families in Newfoundland and Labrador decreased from 17.7 percent for 1994 to 16.9 percent in 1999. The percentage of low income among unattached individuals increased from 43.6 percent in 1994 to 54.1 percent in 1999.

2097. In an effort to more effectively address Occupational Health & Safety matters with respect to program development, the Programs Division of the Division of Occupational Health & Safety, Department of Labour was transferred to the Workplace Health, Safety & Compensation Commission.

2098. In 1999, the *Occupational Health & Safety Act* was amended to enhance requirements for safety committees and provide authority to regulate on ergonomics issues.

2099. Several programs for older workers were implemented in the late 1980s and early 1990s. The three programs were the Program for Older Worker Adjustment, the Plant Workers Adjustment Program and the Northern Cod Early Retirement Program. While all three programs have ended in terms of program entry, many clients will continue to receive assistance under these programs until they reach retirement age of 65 years.

2100. In June 1999, the Government of Canada announced $30 million in funding over two years for an Older Worker initiative. The Government of Canada has been working with provinces on a bilateral level to develop pilot project proposals to assist workers aged 55-64 years who have been displaced or who are at risk of job loss. Newfoundland and Labrador began implementation of two pilot projects in November 2000. One program is aimed at displaced workers in the forestry sector. Eighteen workers will be placed in secondary wood manufacturing, wood harvesting and other secondary industries for 18 months. The other project places six displaced miners in a jewellery production industry in which the flospar mineral is used in the production of jewellery and lapidary products.

2101. The Forum of Labour Market Ministers has mandated a working group to produce a diagnostic report of the situation of older workers in Canada.

Article 8: Trade Union Rights

2102. In 1994, the provision in the *Labour Relations Act* which required the Labour Relations Board to hold an automatic vote for the certification or revocation of a bargaining agent was proclaimed.

2103. In 1997, the *Labour Relations Act* was amended to create a labour relations regime conducive to the offshore oil industry. The provisions allow a bargaining unit on an offshore platform but provide for binding arbitration on the first collective agreement with no right to strike and restrictions on the right to strike on all subsequent collective agreements.

Article 9: Right to Social Security

2104. The social assistance rates for qualified recipients saw a seven percent increase spread over a 39 month period beginning in 1998.

2105. In 1997, the Department of Social Services was restructured and renamed to the Department of Human Resources and Employment and with that, Services to Seniors, Supportive Services to Individuals with Disabilities and Child Welfare, Youth and Family Services were transferred to the new Department of Health & Community Services.

2106. The new Department of Human Resources and Employment was established with two lines of business: Income Support and Employment and Career Services. The focus shifted towards a more proactive approach to Employment Supports for Income Support clients.

2107. In 1999, the rates for Income Support for qualified recipients changed significantly as a result of the redesign of the Income Support program. This redesign resulted in reduced Income Support Benefits to families with dependent children, with the reduction offset by benefits received from the Canada Child Tax Benefit and a newly established Newfoundland and Labrador Child Benefit Program. The new rate structure only recognizes the number of adults in a family and allows for the provision of enhanced financial benefits for children in low-income families through an integrated child benefit program. This restructuring of Income Support Benefits facilitates, for families, the move from Income Support to independence through employment.

2108. As part of empowering families and individuals to be responsible for their own affairs and reducing the intrusiveness of delivering Income Support, a new self application was instituted province wide in 1998. Data interfaces with other federal/provincial government departments allows for eligibility confirmation to occur without intrusive home visits.

2109. In conjunction with the Department of Justice, the Department of Human Resources and Employment hired Support Application Workers, situated throughout the province, as a result of the new Child Support Guidelines legislation to assist families to obtain support orders. This service is not limited to families in receipt of Income Support but is extended to any individual regardless of their source of income.

2110. New computer interfaces were introduced to ensure program integrity and to facilitate improved services to recipients of Income Support. This included a new interface for clients attending post secondary institutions to administratively transfer a client's Student Aid contribution to the Department of Human Resources and Employment resulting in no disruption or reduction in benefits for families receiving Student Aid income support.

2111. To further empower families to be responsible for their own affairs, the fuel supplement, originally paid from November to April each year was restructured and is now provided monthly throughout the year. This reduced the hardship placed on families on budget payment plans who lost the additional assistance for fuel during periods they were required to pay on their budget payment plans.

2112. In its efforts to be proactive in supporting families seeking training and post-secondary education, the Department of Human Resources and Employment introduced a varied living allowance contribution in recognition of the high cost of tuition when students attend private institutions.

2113. To encourage families in receipt of Income Support to seek and to obtain additional education, which would ultimately increase their opportunities to enter and remain in the work force, the total amount of payments received under the Federal Canada Study Grants and the Provincial Awards Programs, up to $3,000 from scholarships, are exempt when considering eligibility for Income Support.

2114. With the introduction of the National Child Benefit (NCB) Supplement component of the Canada Child Tax Benefit, the Department of Human Resources and Employment invested in NCB Initiatives without reducing Income Support benefits to families. One of these initiatives is to support families moving from Income Support to independence through employment by providing extended drug card coverage for six months for families who leave Income Support due to employment.

2115. A new Cost of Living Allowance of $150 per month was introduced for families living in coastal Labrador communities, to help address the increased cost of obtaining basic necessities in these communities.

2116. Other benefits available to those in receipt of income support include:

- Earnings' exemptions for recipients of Income Support have been simplified and enhanced. Earning exemptions for single adults have increased to a flat rate of $75 per month and $150 per month for families.
- In 1994, the Department of Human Resources and Employment began providing funds towards the cost of dentures for recipients of Income Support.
- A new simplified rate structure was introduced for the payment of rent/mortgage for tenants of Newfoundland and Labrador Housing Corporation.
- In January 1999, the Department of Human Resources and Employment increased the exemption for Income Tax Returns to $500 annually.
- Interest earned on savings held by recipients of Income Support is now considered exempt income.
- Comforts Allowance was increased from $110 to $125 per month.
- To enhance the family, income received from board and lodging is exempt for recipients of Income Support if the boarder is a relative.

Article 10: Protection of the Family, Mother and Child

2117. The Department of Human Resources and Employment introduced the Newfoundland and Labrador Child Benefit in 1999, which is a child benefit paid to all low-income families in recognition of the financial needs of low-income families with children.

2118. With the introduction of the National Child Benefit Supplement component of the Canada Child Tax Benefit, the Department of Human Resources and Employment invested in initiatives to support families moving from Income Support to independence through employment by providing increased child care assistance to help offset the actual cost of unlicensed child care.

2119. The Department of Human Resources and Employment, in association with the Single Parent Association of Newfoundland and Labrador, introduced an initiative to assist single parents in receipt of Income Support to enter and remain in the work place and to progress to a position where they may become financially independent of Income Support. The intent of the program is to offer flexible and individualized Income Support to single parents who want to work.

2120. To further enhance the family and to protect the interests of children, RESPs held by families in receipt of Income Support are exempt for the purposes of determining eligibility for financial assistance. As well, a new policy was introduced which considers the responsibility of families in providing financial support for their children between the ages of 18-21 years.

2121. The responsibility of families was further enhanced by recognizing their contribution to their sons and daughters with the introduction of a new rate structure for individuals and families who rent from their parents or grandparents.

2122. To support families seeking employment, spouses who leave home in search of employment still remain on the family's Income Support benefits for up to 30 days. This reduces the barriers to employment for families wishing to be independent of Income Support.

2123. In 1999, services to 16 and 17 year olds was transferred to the Department of Health and Community Services in order to provide more comprehensive services to these youth.

2124. Newfoundland and Labrador now has eight National Child Benefit *Family Resource Centres* throughout the province focussed on the provision of programming for children and families. All programs are consumer-driven in that the needs and interests of the consumers are the basis for determining the kinds of programs and activities to be organized. The Department of Health & Community Services is committed to the movement to community based service delivery as these *Family Resource Centres* are community-based and community-owned. A community coalition, representing 50 percent consumers and 50 percent professionals and/or interested others, manages the project.

Article 11: Right to An Adequate Standard of Living

Right to an adequate standard of food, clothing and housing

2125. The Department of Human Resources and Employment, Health & Community Services, Justice and Newfoundland and Labrador Housing Corporation and community partners have joined together to enhance service co-ordination and to broaden the range of services and options to those individuals requiring supportive housing. Supportive housing, which is defined by the Interdepartmental Committee on Supportive Housing Strategy as "safe affordable housing, matched with a range of community supports and employment services that are as intensive and varied as the needs of the individual/family require to assist them to live and participate in the community," is included in some of the programs of the Regional Health & Community Services, Institutional and Integrated Health Boards.

2126. For children and youth, supportive housing available includes care giver homes; group home care for youth between 12 and 16 years; youth correction group homes; open custody placement; independent settings; shared living arrangements and special living arrangements; Naomi House which is a shelter for young women and Catherine Booth House which is a shelter for young males. For persons with disabilities supportive housing includes co-operative apartments and independent living arrangements. There are Transition houses and shelters which provide emergency short to medium term safe shelter to women and children at seven sites throughout the Province.

2127. Personal Care Homes are privately owned, government approved facilities that provide a supportive and nurturing environment for individuals, who for a variety of health, ability or age related reasons, require personal care and supervision in a residential setting. Services are delivered by non-professional staff employed by the owner. Visiting professional services are provided by the Health and Community Services Board. The on-site services provided include personal care, household management and respite. There are 81 personal care homes and 21 community care homes in the Province. One thousand eight hundred and fifty-five clients receive care in these homes.

2128. Homes support services are provided to seniors and persons with disabilities in their own homes. Home support includes personal care, household management, and respite care. Based on assessed need, services are provided to promote, maintain and enhance personal/family independence to enable an individual to remain at home in the community.

2129. For seniors there are a number of supportive housing arrangements including:

- *Accessory Apartments* — Apartments built into existing houses — sometimes referred to as "in-law suites" — can serve the needs of seniors who wish to live near, but not with, their adult children. These apartments provide both privacy and security. If the elderly parent becomes frail or cognitively impaired it is easier for the child to provide support. This province leads the country in the acceptance and use of this housing form.

- *Congregate Housing* — In congregate housing, individuals live in private, self-contained suites in a supervised building. One to three meals a day are served in a communal dining room. Housekeeping services and social activities are provided. Although emergency assistance is available, medical staff are not on site. Newfoundland and Labrador Housing Corporation provided funding for the construction of a congregate housing facility in Stephenville Crossing with the Department of Health funding a position for coordinator. This facility has efficiency units and a centralized kitchen and dining room where residents can obtain one meal per day. The coordinator ensures that residents receive the type and level of home care/support suited to their individual needs. The congregate facility is located adjacent to the long-term care facility.

- *Social Housing* — This model involves the provision of support to elderly individuals residing in social housing. In addition to being affordable, many of these projects already offer the kind of security and sense of community that many seniors seek. They may also have the potential to provide more supportive living environments through physical and staffing adaptations at fairly modest costs. Tenure may be rental or co-operative ownership, and housing forms vary from seniors-only apartment buildings to mixed projects, which include family and other non-senior households. The support that members of co-operatives provide each other can be quite extensive. Social housing can take many forms and several of the options identified above are funded under social housing programs in Newfoundland and Labrador.

- *Cottages* — Cottages are small living units, i.e., one and two bedroom units, located in close proximity to nursing homes. They are designed for individuals capable of independent living. Services provided to cottage tenants are limited to maintenance, security, lawn mowing and snow clearing. Each cottage is furnished with a washer, dryer, fridge and stove. Tenants must supply all other furnishings. In terms of rental costs, there is a combination of subsidized rent and private rent. Clients accessing this service are usually 60-65 years of age with a reduced income.

2130. For persons with mental illness or mental health problems there are a variety of supportive housing alternatives available: Family Care Program, Access (St. John's), Pleasant Manor, Xavier House (Corner Brook). These programs are supported by professional staff and focus on the development of individual skills that people need to be able to live independently. The length of stay varies from short term, under one year, to long term, e.g. some individuals have lived in the same Family Care Home for over 10 years.

Measures to improve methods of production

2131. The Canada Newfoundland Farm Business Management Program is jointly funded by Agriculture and Agri-food Canada and the Newfoundland and Labrador Department of Forest Resources and Agrifoods. The objective of the program is to upgrade the farm business management capacity of farmers leading to an enhanced ability to compete more effectively in domestic and international markets and improve the financial viability of farm operations. A total of $240,000 has been committed to this program. The Program is available to industry organizations, agricultural societies and clubs, educational agencies, federal and provincial agencies, individual farmers and farm managers.

Article 12: Right to Physical and Mental Health

Protection of health

2132. The Medical Care Plan provides coverage to residents of the Province for medical care and certain surgical-dental procedures performed in hospital. The Medical Care Insurance Insured Services Regulations stipulate the general categories of medical services insured under the Plan. These include:

- visits to a physician's office, hospital or beneficiary's residence,
- surgical, diagnostic and therapeutic procedures, including anaesthesia,
- pre and post operative care,
- complete maternity care,
- radiology interpretative services, and
- certain medically required surgical dental procedures performed in hospital by a dentist or oral surgeon.

2133. The Province's dental health plan is comprised of a children's dental component and a social assistance component. The children's dental program covers the following basic dental services for all children up to and including age 12: examinations at six month intervals, cleanings at 12 month intervals, fluoride application at 12 month intervals for children aged 6-12 years, x-rays, fillings and extraction and other specific procedures which require approval before treatments. These basic services are also available under the social assistance component to recipients of social assistance who are 13-17 years of age. Adult recipients of social assistance are eligible for emergency care and extractions only.

2134. In Canada, 9 percent of the GDP accounts for health expenditures while Newfoundland and Labrador's percentage equals 12 percent. Newfoundland and Labrador's per capita public sector health expenditures was $2,037 in 1999, up from $1,714 in 1995.

2135. In 1997, the Province undertook planning and development work around a proposal to establish primary health care centres in the Province. These were to be staffed by a multi-disciplinary team of professionals, including primary care physicians, nurse practitioners, and other groups of health professionals. The primary health care units were also to begin interdisciplinary teaching and research in primary health care. As well, a formal program for training for advanced nursing practitioners in primary health care was established. In 1998, there were three primary health care service and teaching units established on a pilot basis at three sites in the Province. Graduates from the Practitioner Program were deployed to these sites. In 1999, the primary health care pilot projects were fully operational and an evaluation of the units commenced.

2136. Between the 1991 and 1996 census years, there was a 3 percent reduction in the province's population (roughly 17,000 individuals.) Decreasing birth rates, increasing mortality rates, and high out-migration with radical intra and inter provincial migratory patterns have become vital issues for the Department of Health & Community Services.

2137. There has been a 15 percent increase in proportion of individuals 75 years and older between 1991 and 1996. In addition, increases in the 40 to 55 year age categories signify future demands in terms of senior care. However, marked reductions in the proportion of individuals between birth and 30 years create a relatively disproportionate balance of senior versus young residents. The implications for an aging population include increased demands on long-term care, increased acuity levels for acute care, and increased demand for high cost procedures. In addition, while individuals 65 years and older receive approximately 14 percent of physician services, they account for 27 percent of the entire cost (approximately $50 million). Per capital Medical Care Plan (MCP) costs for those 65 years and older range between $400 and $600 compared to $100 to $300 for those less than 65 years.

2138. The Newfoundland and Labrador Heart Health Program (NLHHP) is a community-based health promotion program aimed at improving health and reducing the rate of heart disease in the province. The NLHHP is working with community groups and health agencies across the province to encourage people to reduce their risk of heart disease by leading healthier lifestyles, as well as, creating an environment that helps people make healthier choices.

2139. The Tobacco Reduction Strategy that has been implemented includes a $900,000, three-year commitment aimed at reducing smoking in the Newfoundland and Labrador population. Some of the initiatives include:

- The province's first *Teen Tobacco Team* was formed in November 1999 to advise the Minister of Health and Community Services on issues related to youth smoking. The 11 students on the *Teen Tobacco Team* who reflect the diversity of the province's youth population (urban and the rural, male and the female, and former and non-smokers) work to ensure a realistic perspective to the issue of teen smoking.
- *Kick the Nic* is a program designed to help teens quit smoking. It seeks to create a positive learning experience for all participants, and to equip them with the skills to continue to make positive changes throughout their lives. *Kick the Nic* celebrates successes, accentuates the positive, emphasizes peer support and focuses on skill-building activities developed by teens for teens.
- In January 1999, government announced the formation of the *Alliance for the Control of Tobacco (ACT)*, a coalition of non-government and government organizations committed to the significant reduction of tobacco use in Newfoundland and Labrador. Their mandate is to develop and implement a comprehensive tobacco reduction strategy for the province.

2140. All health regions report communicable diseases on a weekly basis (electronically) to the Department of Health & Community Services (Division of Disease Control and Epidemiology). The statistics are monitored provincially and report nationally to Health Canada and Statistics Canada.

2141. The Department of Health & Community Services maintains disease-specific registries on the following: Tuberculosis; HIV/AIDS; Measles; Meningococcal; Hepititis B; Hepititis C; Syphilis.

2142. The Newfoundland and Labrador Centre for Health Information was established in 1997 to meet the need for health and social information and for a coordinated, centralized health information system to assist and provide policy makers, service providers and individuals with timely, accurate and accessible information.

2143. The Provincial Immunization Program is primarily intended for the child population where children receive immunizations during pre-school check-ups. In 1999, of the 5,659 children enrolled in kindergarten, 5,546 (98 percent) were immunized for diphtheria, pertussis, tetanus and polio, 5,587 (98.7 percent) were immunized for measles, mumps and rubella, and 5,436 (96.1 percent) were immunized for haemophilus and influenza b.

2144. A Community Youth Network Development Team has been formed including youth and adult volunteers with diverse life experiences. The Community Youth Network will avail of $2.8 million annually to develop an array of services for youth living in, or at risk of, poverty. These services will enhance young people's opportunities for participation in social and economic development by focussing on learning, technology education, human dynamics, employability skills and mental health services through a partnership with the departments of Health & Community Services, Human Resources and Employment and Education, as well as Human Resources and Development Canada.

2145. Government announced $2.2 million for services to individuals with autism and other disabilities; approximately $1 million of this funding was allotted for specialized early intervention services for young children. This has enhanced the ongoing Provincial Autism Project, led by the Department with an integrated committee of Regional Board representatives, other professionals, interest groups and parents.

2146. For the prevention of low birth weight, Newfoundland and Labrador has nine projects integrated with Canada Prenatal Nutrition Program projects. These are targeted at low-income pregnant women and adolescents. The projects include food supplementation, nutrition, counselling, support and education on lifestyle issues such as smoking, substance abuse, violence and stress.

2147. Newfoundland and Labrador has been selected as the site for a pilot study on the effects of folic acid fortification of flour to reduce Neural Tube Defects. It involves two components: a) a pre- and post-fortification survey including blood collection and analysis, and b) fortification of flour with a specified level of folic acid.

Protection of the environment

2148. The Department of Environment have taken a number of steps to improve environmental and industrial hygiene including 1) establishing a beverage container recycling program; 2) implementation of *Ozone Depleting Substances Regulations*; 3) reforms to the *Environmental Assessment Act* and *Regulations*; 4) passage of the *Water Resources Protection Act*; and 5) passage of the *Water Management Act*.

Article 13: Right to Education

2149. In 1989, Newfoundland and Labrador participated in the Survey of Literacy Skills used in Daily Activities (LSUDA). The results on the LSUDA showed that 39 percent of the Newfoundland population (aged 16-69) had reading skills sufficient to meet most everyday demands. Newfoundland also participated in the 1994 International Adult Literacy Survey (IALS) but the sample size was not sufficient to allow commentary on the province's literacy levels. Newfoundland and Labrador will be participating in the International Life Skills Survey (ILLS), which is scheduled for administration in 2002; the provincial sample size will permit a determination of provincial literacy levels. The

LSUDA and the ILLS employ different measurement instruments but the 2002 results will provide an indication of the change in provincial literacy levels.

2150. Literacy levels are closely related to educational attainment in that individuals with high levels of educational attainment tend to perform at high levels on literacy tests and individuals with low levels of educational attainment tend to perform at low levels on literacy tests. Educational attainment levels have been used to reflect the literacy levels of the adult population in Newfoundland and Labrador. The 1989, 48 percent of the Newfoundland population (aged 15 and above) had less than a high school education while 52 percent had attained high school or above. In 1999, the educational attainment profile had improved such that 39 percent of the population had less than a high school education and 61 percent had attained high school or above. (*Source: Labour Force Survey, 1989 and 1999*)

2151. The Distance Education Program provides 10 high school courses including Advanced Mathematics and Chemistry to students in rural areas where the number of interested students is insufficient to comprise a class. Distance education teachers in larger schools communicate with students via a computer, which permits two-way, synchronous graphics communication, a teleconference link-up and facsimile communication. A recent report from a ministerial panel recommended expansion of the scope of course offerings, utilization of the internet for delivery of programs, and consolidation of distance education delivery systems to better serve students in rural communities, as well as adult students wishing to complete their secondary education. Plans are being developed to implement these recommendations.

2152. Indications are that participation rates in higher education have increased in the province. Full-time post secondary enrolment as a proportion of the population had shown an upward trend for both males and females over the period from 1993-1994 to 1997-1998. (*Education in Canada*, 1999, Statistics Canada — Catalogue no. 81-229)

2153. The Canada Student Loan and the Newfoundland Student Loan Programs provide funding to assist students in pursuing post secondary studies. Debt loads, however, are a concern. The average amount borrowed has increased over the past several years with, for example, a 51 percent increase for two-year public college programs, 15 percent for two-year private programs and 52 percent for a university undergraduate degree. Detailed information on the Average Accumulated Student Debt is provided in the following table.

Average Accumulated Student Debt,* Newfoundland, 1996-97, 1997, and 1998-99							
		1996-97	1997-98	% Increase 96-97 to 97-98	1998-99	% Increase 97-98 to 98-99	% Increase 96-97 to 98-99
Public College	1 Year	8,040	8,889	10.6	12,099	36.1	50.5
Public College	2 Year	12,263	14,139	15.3	18,504	30.9	50.9
Public College	3 Year	14,041	19,397	38.1	22,244	14.7	58.4
Private College	1 Year	10,474	9,807	-6.4	12,582	28.3	20.1
Private College	2 Year	18,010	18,509	2.8	20,720	11.9	15
Memorial University	Undergraduate	22,591	27,163	20.2	34,337	26.4	52
	Master's	17,838	28,214	58.2	28,020	-0.7	57.1
	Diploma	20,627	21,342	3.5	25,841	21.1	25.3
	Marine	13,893	16,550	19.1	19,312	16.7	39

* For students that reported they were in their final year of study. These figures may be slightly higher on average than reality because these are the loan levels approved student aid. A small number of loans are approved but not negotiated. Students in their final year of study in the public college and Memorial University reported higher levels of accumulated debt in 1997-1998 than in 1996-1997. Memorial undergraduate students in their final year of study had a 20.2 percent increase in accumulated debt and public college students in the final year of three year programs had a 38.1 percent increase in accumulated debt in from 1996-1997 to 1997-1998.
Source: Division of Corporate Planning and Research, Department of Education.

2154. In response to this concern the provincial government established a tuition freeze at College of the North Atlantic and Memorial University. Tuition costs have remained stable at 1998-1999 levels for three consecutive years. See table below.

Annual Tuition, Memorial University and College of the North Atlantic, 1993-1994 to 2000-2001								
	93/94	**94/95**	**95/96**	**96/97**	**97/98**	**98/99**	**99/00**	**00/01**
Memorial University	$2,000	$2,150	$2,312	$2,670	$3,150	$3,300	$3,300	$3,300
College of the North Atlantic	$800	$800	$1,000	$1,200	$1,320	$1,452	$1,452	$1,452

2155. A committee has been established by the Minister of Education to examine the provincial student loans program, and to make recommendations on a financial assistance program that provides support for students pursuing post-secondary education while, at the same time, respecting the fiscal realities within which the province operates. The Committee has representation from the various stakeholders groups. The increased level of student borrowing, as well as rising government expenditures on the Program, were key factors precipitating the Review.

2156. The Department has had in existence since 1995 a student aid remission program. Post secondary graduates of programs of three or more academic years who have high student debt are eligible to apply to have a portion of their student debt paid provided they have completed their program in a timely way.

2157. The Canadian Millennium Scholarship Program was announced in the 1998 Federal Budget as a response to concerns about the adequacy of assistance to students with the required ability and motivation to access post-secondary education, but who are facing difficult financial hurdles. Bursaries, averaging $3,000 are available for up to four academic years of study (32 months) towards undergraduate degrees, diplomas or certificates at publicly funded universities, community colleges and technical institutions, as well as private educational institutions.

2158. Awards were first disbursed in 1999-2000. In Newfoundland, a total of 2,249 students were awarded bursaries totalling $5,386,500. 50 percent of each award in this province was applied directly against the student's debt, with the remainder given to the student to assist with their assessed need.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

2159. The Department of Tourism, Culture & Recreation provided increased funding to the Arts Council of Newfoundland and Labrador, a non-profit corporation set up by government to develop the artistic talent in the Province.

2160. The Federal/Provincial Economic Renewal Agreement included a Cultural Industries component, which provided funding for the artistic community in the areas of performance, export and product development.

Part V

Measures Adopted by the Governments of the Territories

Yukon

Article 6: Right to Work

2161. In 1995, an amendment to the *Employment Standards Act* was proclaimed, resulting in specific provisions governing the termination of employment. All employees who have completed six consecutive months of employment and are not dismissed for just cause, must be given written notice of termination based on the employees years of service: a) one week's notice in writing to the employee whose period of employment is less than one year; b) two weeks notice in writing to the employee whose period of employment is one year or more but less than three years, c) three weeks notice in writing to the employee whose period of employment is three years or more but less than four years; d) four weeks notice in writing to the employee whose period of employment is four years or more but less than five years; e) five weeks notice to the employee whose period of employment is five years or more but less than six years; f) six weeks notice to the employee whose period of employment is six years or more but less than seven years; g) seven weeks notice to the employee whose period of employment is seven years or more but less than eight years; h) eight weeks notice in writing to the employee whose period of employment is eight years or more.

2162. Any employer who fails to comply with this provision may pay to the affected employee, an amount equal to the amount that the employee would have been entitled to receive as his or her regular wages for his or her normal hours of work for the period prescribed. These termination provisions do not apply to: a) the construction industry; b) a seasonal or intermittent undertaking that operates for less than six months per year; c) an employee discharged for just cause; d) an employee whose employer has failed to abide by the terms of the employment contract; e) an employee on temporary layoff; f) an employee employed under a contract of employment that is impossible to perform due to an unforeseeable event; g) an employee who has been offered and who has refused a reasonable alternative employment and h) an employee who is represented by a trade union.

2163. An employee who has been employed for six consecutive months or more shall not terminate his or her employment until after the expiry of a) one weeks notice in writing to the employer if the period of employment is less than two years; b) two weeks notice in writing to the employer if the period of employment is two years or more but less than four years; c) three weeks notice in writing to the employer if the period of employment is four years or more but less than six years; or d) four weeks notice in writing to the employer if the period of employment is six years or more. If the employee fails to provide the employer with the required written notice, the employee may possibly forfeit one week's pay in lieu of notice.

2164. Other sections of the *Employment Standards Act* govern the issuance of wage statements for each pay period and prevent an employer from making unauthorized deductions from an employee's pay.

2165. The *Employment Standards Act* provides for equal pay to employees of the opposite sex, when the work is performed in the same establishment under similar working conditions, and the performance of which requires similar skill, effort and responsibility. Employers are required to pay these employees the same rate of pay, unless the difference is due to:

- a seniority system;
- a merit system;
- a system that measures earnings by quality or quantity of production, or
- a differential based on any factor other than sex.

2166. Further, an employer cannot reduce an employee's rate of pay to comply with the equal pay requirements.

2167. The *Human Rights Act* was passed by the Yukon Legislature February 12, 1987. This Act prohibits discrimination on a number of grounds as outlined in the previous report.

2168. Several new training programs for Yukon government personnel were established in the territory during the reporting period.

2169. In March 1998, the Yukon government began a training program for all its employees on Yukon Land Claims. The training consists of three modules that focus on Yukon First Nations' culture, intercultural communications and the history and process of First Nations land claims. The training program was developed jointly with representatives from First Nations' governments and the Land Claims Secretariat. The purpose of the training is to foster strong relationships between First Nations' and Yukon governments.

2170. Chapter 22 of the Umbrella Final Agreement and First Nation Final Agreements require the Yukon government to develop, consult on, implement and review a plan to create a representative public service, both Yukon-wide and in 14 First Nation traditional territories. In 1996, a joint planning process began with the Public Service Commission, departments and First Nations with Final Agreements to develop the Yukon-wide plan. As of September 1999, the Yukon-wide representative public service plan has been approved in principle along with three traditional territory plans. Departments are implementing activities under the Plan and traditional territory planning with First Nations continues.

2171. In 1999, the Public Service Commission began a new initiative to strengthen public sector management. A key component of this initiative is the Yukon Government Leadership Forum. This forum focuses on preparing employees to assume senior management positions within the Yukon government. Like other jurisdictions in Canada, the Government of Yukon faces a situation where the number of management employees who are eligible to retire in the next five years will have a serious effect on leadership continuity. This program focuses on the development of personal leadership skills as well as exploration of current theory and management issues. The program is in progress. Fifty employees from across government were selected by departments to participate in the leadership assessment, personal development planning and coaching phases of the program. Based on the assessment results, 25 of those employees have been selected to participate in the remainder of the program. The representation of women, Aboriginal people, visible minorities and people with disabilities was built into the selection process.

2172. The previous report noted that in March 1992, the Yukon government approved a Workplace Harassment Policy. The Policy also provides information to employees about laying complaints under the *Human Rights Act.*

2173. In 1998, a new clause on workplace harassment was negotiated in the Public Service Alliance of Canada and Yukon government collective agreement. Under Article 6 — Letter of Understanding "L", employees do not use the grievance procedure on a harassment-related issue. The union refers employees to a harassment investigator in the Public Service Commission. A similar letter of understanding is proposed in negotiations between the Yukon Teachers Association and the Yukon government.

2174. In 1998, the Public Service Commission created the position Workplace Harassment Prevention Coordinator. This position manages the investigation and complaint resolution process for all workplace harassment complaints under the Workplace Harassment Policy and the Article 6 Letter of Understanding under the Public Service Alliance of Canada and Yukon government collective agreement. The position also provides work unit consultation and organization training or workplace harassment prevention and resolution processes.

2175. The Canada-Yukon Economic Development Agreement referred to in the previous report helped many communities create and implement economic development plans. This agreement expired in 1997.

Article 7: Right to Just and Favourable Working Conditions

2176. The most recent change to the minimum wage in the Yukon occurred October 1, 1998, and was set at $7.20 per hour. This represents an increase of $0.96 since the last report. All employees who are paid on commission or by piecework must receive at least minimum wage for any standard hours worked in a pay period. Further, domestics, farm workers, guides and outfitters who are paid wages other than on an hourly rate or piecework basis must be remunerated at eight hours multiplied by the minimum hourly rate for each day or part-day worked. The above minimum wage requirements came into effect May 1, 1988. In addition to the general minimum wage rate, there exist special minimum wage rates for categories of employees employed in government construction work. These rates are called Fair Wage Rates.

Article 9: Right to Social Security

2177. Relevant territorial legislation includes the *Social Assistance Act*, the *Health Care Insurance Plan Act*, the *Hospital Insurance Services Act*, the *Seniors Income Supplement Act*, the *Child Care Act*, the *Pioneer Utility Grant Act*, the *Workers' Compensation Act* and the *Seniors Property Tax Deferment Act*.

2178. The *Seniors Property Tax Deferment Act* and amendments to the *Assessment and Taxation Act* assist Yukon seniors in deferring payment of their property taxes during the time they continue to occupy their home.

2179. Changes during the reporting period including introducing the Yukon Child Benefit (YCB) to supplement the National Child Benefit program (NCB). The YCB provides $300/year/child for low-income families, paid monthly with the NCB amount provided by the Government of Canada.

2180. As part of the NCB initiatives, the Yukon also began the Children's Drug and Optical program, which covers the cost of prescription drugs and optical care for children in low income families.

2181. The government introduced the Low Income Family Tax Credit (LIFT), which provides a non-refundable tax credit to low income families and reduces their overall tax burden.

2182. As part of a national effort, the Yukon Government approved a compensation package to victims who contracted Hepatitis C through tainted blood delivered by the Red Cross.

2183. Workers in the Yukon Territory are covered under the Yukon *Workers' Compensation Act*. Since proclamation of the new *Workers' Compensation Act* in 1992, there have been two amendments (Bill 40 — assented to December 11, 1997, and Bill 83 — assented to February 15, 1999).

2184. Bill 40 designated persons who are volunteers for government or engaged in programs supported by government as workers under the *Workers' Compensation Act*.

2185. Bill 83 provided extensive revisions to the Act which included: the establishment of a Worker Advocate position, appointment of medical consultant(s), review of the appeal process and establishment of an Appeal Tribunal, establishment of a public register, recognition of alternative and traditional healing methods, illiteracy, Board membership composition, reporting responsibilities of the Board to the Minister, public consultation provisions, annual meeting, special examination provisions and future reviews of the Act.

2186. Under the legislation, a worker who suffers a compensable work-related disability is entitled to receive compensation for loss of earnings. Loss of earnings benefits is based on 75 percent of the worker's weekly loss of earnings from all sources. On the anniversary of the start date of a worker's loss of earnings, benefits are indexed by 2 percent and by any percentage change between the average wage for the year and the immediately preceding year. A workers loss of earnings benefits can never exceed the maximum wage rate for the year. The maximum wage rate for 1999 was $60,900.

2187. The *Workers' Compensation Act* applies to all workers in the Yukon except:

- a person during any time the person is acting in a religious function as a duly ordained or appointed cleric, a member of a religious order or as a lay reader;
- a person who entered into or works under a contract of service or apprenticeship outside the Yukon, who ordinarily resides outside of the Yukon and is employed by an employer who is based outside of the Yukon and carries on business in the Yukon on a temporary basis.

2188. However, the Board may, on application of an employer, deem the above to be workers of the employer.

2189. Rehabilitation will be provided to a worker, if a worker requires rehabilitation assistance because of a work-related disability. The purpose of rehabilitation is to reduce or remove the effects of a work-related disability. Rehabilitation may include vocational or academic training.

2190. As detailed in the previous report, the *Workers' Compensation Act* continues to provide compensation to a worker's dependants, when the worker dies because of a work-related disability.

Article 10: Protection of the Family, Mother and Child

2191. The *Maintenance and Custody and Enforcement Act* provides for an order of a court in or outside the Yukon for payment of monies as maintenance or support. The *Reciprocal Enforcement of Maintenance Orders Act* provides for the enforcement of a reciprocal enforcement order in another province, state or country. The Yukon currently operates reciprocal enforcement with all Canadian provinces and territories, 30 U.S. states and with other countries.

2192. The *Maintenance and Custody and Enforcement Act* was amended in 1998 and proclaimed in 1999. The amendments included new enforcement measures enabling the government to:

- apply writs of garnishment or writs of seizure and sale against a corporation in which the respondent/debtor is the sole shareholder or has a controlling interest or his/her immediate family controls the corporation;
- remove the 30-day hold on garnished funds, except where a third party has an interest in the money;
- provide for orders against a respondent to be enforceable against the respondent/debtor's trade or business name or against a respondent/debtor's share of a partnership;
- remove the limitation period of 10 years on the collections of arrears; and

- extend the life of garnishments from one year to until withdrawn by the director of maintenance enforcement.

2193. In the fall of 1998, the Yukon government passed amendments to the *Limitation of Actions Act*. These amendments recognized the plight of survivors and their intense need for healing — by removing the time restrictions in matters of sexual abuse so that survivors can take action at any time. The amendments also apply to minors who suffered sexual assault or sexual misconduct in childhood. Moreover, the amendments provide for a transition phase that may serve to revive "time-expired" claims — provided the right to bring these claims was never prohibited in the first place.

2194. The *Family Violence Prevention Act* was assented to in December 1997. This legislation is designed to address violent relationships between family members and intimate companions. The Act provides victims of family violence with additional ways to seek protection by establishing emergency intervention orders, victim's assistance orders and warrants of entry. An advisory committee held public meetings in 1998 throughout the Yukon to seek community input on the implementation of this legislation. This Act was proclaimed in 1999.

2195. In the fall of 1998, amendments to the *Maintenance and Custody Enforcement Orders Act* and the *Family and Property and Support Act* changed the definition of spouse to include both common-law and same-sex couples ensuring that the provisions of these Acts apply equally to all families.

2196. In the fall of 1998, the *Children's Act* was amended to reinforce the rights of grandparents to continue their involvement in their grandchildren's lives in the event of family breakdown.

2197. In 1995,The *Employment Standards Act* added Parental Leave. An employee who has completed 12 months of continuous employment with an employer is entitled to parental leave without pay for a period of up to 12 weeks when the employee: a) becomes the birth mother of a child, b) becomes the birth father of a child, or assumes the care and custody of his newborn child, or of his or her spouse's newborn or adoptive child, or c) adopts a child under the laws of the Yukon or of a province and submits to the employer a written request for leave under this section at least four weeks before the day on which the employee intends to commence the parental leave. An employee who has requested a leave of absence for Parental Leave may return to work before the period is over with the consent of the employer or by giving the employer four weeks notice in writing of the intended date of return. If an employee and the employee's spouse are employed by the same employer or by different employers and are eligible for parental leave, the parental leave may be taken wholly by one of the employees, or be shared by both employees, but in that case the Parental Leave taken by the one employee cannot be at the same time as the Parental Leave taken by the other employee and the cumulative total of the leave taken by the two must not exceed a continuous period of 12 weeks. Further, both employees may take Parental Leave at the same time if the employee who is first on Parental Leave cannot reasonably be expected to care for the child by themselves because of injury, illness, or death, or other hardship in the family.

2198. The *Estate Administration Act* was proclaimed as of April 1, 1999. The Act recognizes common law spouses and same sex partners as legally entitled to inherit property and receive benefits from an estate of someone who passed away without a will.

Article 11: Right to an Adequate Standard of Living

2199. During this reporting period, the Yukon government developed and released its Anti-poverty Strategy in August 1998.

2200. The government also developed and released its Seniors Strategy in February 1999 and later approved construction of a new long-term care facility.

2201. Average income of a Yukon family in 1995 was $61,807, which is 13.2 percent higher than the Canadian average, a decrease of over $2,000 since the last report. The increased cost of living in the Yukon results in buying power similar to that in the south.

2202. The 1995 average income for lone-parent families was $34,290, an increase of $10,000 since the last report. Approximately 50 percent of lone-parent families have total incomes below the low-income measure. Thirty-six percent of Whitehorse residents live in low-income situations, compared to 21 percent of the population outside Whitehorse.

2203. More up-to-date statistics regarding low-income situations are not available at this time. These statistics were excluded from Census information as low-income cutoffs were based on certain expenditure income patterns where were not available from the survey data for the Yukon population.

2204. In 1995, Yukon women on average earned 80 percent of what Yukon men earned.

2205. The Business Development Fund program previously provided assistance to small and medium-sized businesses and, occasionally, business organizations such as industry associations. This program is currently dormant.

2206. By the end of 1999, 21 out of 28 Yukon schools hosted a Food For Learning snack/breakfast or lunch program. The program was launched in 1997 in partnership among the Departments of Education and Health and Social Services, the Yukon Teachers' Association and the Canadian Living Foundation. The small size of most Yukon schools has allowed them to feed everyone without stigmatizing the children who really need the program.

2207. The Yukon Housing Corporation continues to provide homeownership assistance through the Owner Build and Home Ownership program. The Corporation recently completed community housing studies that will provide information on the adequacy and affordability of housing in the territory. This information should be available for a future report on the implementation of this Covenant.

2208. During the reporting period, the Housing Corporation had 335 social housing units as well as 45 rent supplement units. Social housing is government-sponsored housing made available to individuals and families in need. Rent supplement units are privately owned rental accommodation that are rented by the Housing Corporation for tenants who are eligible for social housing. The Yukon currently does not collect the other housing data requested by the United Nations Committee on Economic, Social and Cultural Rights.

2209. During 1996, the Yukon Hire Commission developed a comprehensive policy to maximize purchases of goods and services from local companies for government contracts. Since the implementation of the Commission's recommendations the percentage of the overall dollar value of government contracts issued to Yukon businesses has increased from 59 percent in 1995-1996 to 89 percent in 1998-1999.

2210. Local hire requirements in the 1998 *Yukon Oil and Gas Act* ensure that Yukon companies will benefit from new activity.

2211. From 1997 to 1999 the following new initiatives were put in place:

- In 1997, the Yukon Venture Loan Guarantee Program was established to create a partnership between the Yukon Government and seven lending institutions in Whitehorse. It provides a 65 percent guarantee for certain types of business loans.
- As in that year, the Trade and Investment Fund and the Tourism Marketing Fund began to financially assists local businesses to identify and export their products and services to new markets both within Canada and internationally.
- In 1997, the Rate Stabilization Fund was established to provide stable and affordable electricity for small business.
- In 1998, the Fireweed Fund was set up to allow labour sponsored venture capital corporations to provide another financing option for business.
- The Yukon Small Business Tax Credit was initiated in 1999 to make a personal income tax credit available to investors who make qualified investments in eligible Yukon corporations.
- In 1999, planning for the Connect Yukon project began regarding installing or upgrading high-speed, high-capacity Internet and phone service in every community.

Article 12: Right to Physical and Mental Health

2212. In fall 1999, the government conducted the first ever Health Summit to engage citizens in a dialogue of health priorities and suggested changes. The government took quick action on a number of recommendations and is considering implementation of the others. Further Summits are being held in the fall of 2000.

2213. The Yukon Health Status Report was released in 1999 to report on the health status of Yukon people. This report is mandated by legislation and is completed every three years.

2214. During this reporting period, the government approved construction or a new long-term care facility for people who have high-level care needs.

2215. In 1998, the government introduced and later expanded the Health Families program. This program screens every new-born and follows up using both health and social services professionals to provide high-risk families and families with educational/Counselling and other supports to care for new-born babies and preschoolers.

2216. The Health Investment Fund continues to operate (since 1990) and provides funding to community based activities aimed at increasing the health status of Yukon residents.

2217. In April 1999, the Yukon introduced the Kid's Recreation Fund, which supports the recreational needs of children in low-income families. This program is available to all low-income residents in the territory.

2218. The Yukon government initiated the Yukon Youth Leadership Project in 1997. A team of trained youth deliver a recreation-based program in rural communities working with local youth trainees and community steering committees. The local trainees are paid positions and often include youth that are at risk. The community determines their own program based on need, resources and demographics. It is hoped that the leadership skills and community development will continue to benefit the community.

2219. In 1995, the Youth Investment Fund was established in response to a need to recognize and support community driven initiatives aimed at addressing the needs of Yukon youth. It was developed and sponsored by the Yukon Departments of Health & Social Services, Community and Transportation Services, Education, Justice and Women's Directorate. The YIF provides funding for short-term community projects, which involve youth. Youth must be involved in planning the project, and the activities of the project must be for youth. Projects must aim to prevent youth involvement in high-risk activities and/or encourage healthy alternatives.

2220. In February 1999, a youth conference was held. Called the Youth Plan to Take Over the World Conference it was funded by the Youth Investment Fund, Skookum Jim Friendship Centre, Dept. of Justice, Education & Health and Social Services. The intent of the conference was to create an environment where Yukon youth are inspired and empowered to become more active in their communities. Sessions focussed on alcohol and drug awareness, starting a business and Web page design.

2221. A Youth Services Canada project was started in Whitehorse in February 1998. The project is funded by Human Resources Development Canada, the City of Whitehorse, Crime Prevention Yukon, Yukon Justice, the Kwanlin Dun First Nation and the RCMP. A group of 15 youth experience different job situations, receive training, and work on community projects for a five-month period. The idea is to get these youth back in to school or in a job.

2222. The Yukon government developed a Youth Strategy in 1998 with the belief that Yukon's youth want to participate in the territory's social, economic, cultural and political arenas. There are five major goals for this project:

- improve overall services to young people
- increase youth awareness of initiatives throughout the Yukon
- develop and support processes to increase youth involvement in programs directed towards them
- provide opportunities for youth to contribute to their communities in a positive manner
- improve the health of Yukon youth

2223. The Crime Prevention and Victim Services Trust Fund was established in the fall of 1997 to assist communities with projects that support victims of offences, reduce the incidence of crime, prevent violence against women and children, address the root cause of criminal behaviour and publicize information about how crime can be prevented as well as what services are available to victims of offences. In the 1999 funding year, $96,549 was awarded to various community projects meeting these objectives.

2224. In the summer of 1999, for the third consecutive year, the Women's Directorate and the Youth Achievement Centre have run "Young Women of Grit," a three week adventure-based, outdoor leadership program designed for young women aged 13 to 18 who are working towards positive change in their lives.

2225. The Yukon is a full participating member of the Canadian Council of Ministers of the Environment and chaired the Council in 1995. This forum and subcommittees promote harmonization of environmental laws in Canada, and other national initiatives towards sustainability and environmental protection.

2226. During the reporting period, the Yukon Government established a Climate Change Centre at Yukon College, to be known as the Yukon Climate Exchange. It is housed in the Northern Research Institute at the College. The Yukon Government matched funds directly and in kind, with the Federal Government, providing us with $153,500 in Federal Climate Change money. The Climate Centre will first gather and synthesize climate change research that has already been completed in the North. This will essentially provide information about the science and impacts of climate change in the North. It will also serve an important function (during the initial stages) of gathering information related to how we will need to adapt to changes in climate. During the fall of 2000, Federal Climate Change monies will be used to organize a Climate Change Summit and also a Climate Change Tradeshow, highlighting energy and energy efficient technologies.

2227. The Yukon Workers' Compensation Health and Safety Board continues to focus on prevention of injury. A strategic plan has endorsed the philosophy of prevention of work place injuries. Educational material and courses have been designed with emphasis on scaffolding and trenches. A Work Safe publication has been developed and is distributed bi-annually.

Article 13: Right to Education

2228. In the social studies area, as in other curriculum areas, the Yukon follows the British Columbia curriculum. However, through locally developed courses, which can account for up to 20 percent of the curriculum, the students are introduced to much of the Yukon's history and geography as well as the culture and history of the First Nations of the Yukon. During the reporting period, the Yukon began participating in a collaborative partnership, the Western Canada Protocol, with the western provinces and other territories to develop a new social studies curriculum, which incorporates the history of Canada from the perspective of the three founding cultures — First Nations, Francophone and European.

2229. Pursuant to the *Students Financial Assistance Act* and regulations, financial assistance is available to all students. A grant for post-secondary students, for studies within and outside of the Territory, is available to eligible students, as are the Canada Student Loans.

2230. During the reporting period, a Gender Equity in Public Schools Policy was established to ensure children, regardless of gender, are entitled to study and learn in a safe environment, to succeed on the basis of ability and interests, and to have their contributions and activities recognized.

2231. In the summer of 1999, the Yukon government started a review of the *Education Act*. Any changes that pertain to this Covenant will be reflected in Canada's next report.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

2232. The Yukon Government has entered into a five-year cooperative and funding agreement with the Government of Canada on the development and enhancement of Aboriginal languages. This agreement is in effect from April 1, 1998 to April 1, 2003.

2233. The objectives of this agreement are:

- to foster the maintenance, revitalization, growth and protection of Aboriginal languages;
- to enable Yukon Aboriginal communities to assume increased ownership of their Aboriginal language responsibilities; and
- to assist Aboriginal communities to meet their language needs.

2234. The Department of Education provides financial and human resource support to the following organisations which promote cultural, artistic, scientific and technological skill development:

- The Arts-in-the-School program provides opportunities for local artists to work with students and teachers in the school system;
- The Yukon Permanent Art Collection provides opportunities for local artists to have their work purchased for display in government-owned or operated buildings;
- Innovators in the School co-ordinates the access by educators and students to the scientific community;
- First Nation Language and Culture Curriculum project assists the schools in accessing human and material resources from the First Nations community;
- Skills Canada: Yukon promotes the development of career paths in the trades and technology fields;
- Young Authors' Conference encourages aspiring writers to produce works that are critiqued by visiting authors from across Canada;
- Children's Book Week invites Canadian authors to tour the Yukon communities and schools to present their works;
- Rotary Music Festival is a week long celebration of young musicians across the territory; and
- Yukon Agricultural Association presents information about the local agricultural industry and promotes career paths in their field.

2235. During the reporting period, the Community Development Fund (CDF) was re-established to provide financial help to groups to strengthen local communities through job training, community planning, social development and sustainable economic development; community capital projects; and subsistence activities. Eligible groups include local governments, First Nations, community associations and non-profit societies. The CDF also provides support for cultural activities and the development of cultural and recreation facilities.

Northwest Territories

Article 6: Right to Work

Technical and vocational initiatives

2236. The *Apprenticeship, Trade and Occupations Certification Act,* R.S.N.W.T. 1988, governs the establishment, designation, training and certification of apprentices in designated trades and designated occupations. The structures and duties under the Act are the same as set out in the Second Report. The federal *National Training Act* governs the federal contributions to apprenticeship training. The Labour Force Development Agreement provides federal/territorial support to apprenticeship. Inter-provincial standards (Red Seal) provide for standards and mobility on designated trades. National terms of reference for the Canadian Council of Directors of Apprenticeship also apply.

2237. The Government of the NWT develops occupational standards for emerging NWT occupations. Wage subsidies are made available for training positions in priority occupations where standards have been developed and training is being provided by employers to assist staff in achieving high levels of competence.

Article 9: Right to Social Security

Principal laws

2238. The following Acts of the Northwest Territories Legislative Assembly provide for social security: the *Social Assistance Act,* R.S.N.W.T. 1988, and the *Senior Citizens Benefits Act,* R.S.N.W.T. 1988. These acts provide benefits to persons in need of financial assistance in amounts that are reviewed regularly.

Family benefits

2239. Income support was transferred to the Department of Education, Culture and Employment in 1995 as a result of a reorganization of government departments. Income support payments to families and individuals in need include payments for food allowances. These payments are provided in accordance with an income support table, based on a 1998 food price survey, which shows maximum scales in force in the communities.

Article 10: Protection of the Family, Mother and Child

Protection of family

2240. As a result of a long-term project on family law reform, which began in 1988, new legislation came into effect in the Northwest Territories in October 1997. These are the

Children's Law Act, the *Family Law Act*, and the *Family and Children's Services Act*. Federal legislation provides for guidelines in determining child support in the case of divorcing parents. Territorial legislation applies an almost identical regime to those who were never married under the *Children's Law Act*. The *Family Law Act* provides for the determination of property division, spousal support, restraining orders in the case of domestic violence and contractual agreements between parties.

2241. The *Child Day Care Act*, R.S.N.W.T. 1988, governs the licensing of childcare and development facilities across the NWT. The GNWT's goal is to build a comprehensive early childhood-learning system, integrating childcare and early childhood education. Funding contributions have increased considerably and the criteria for eligibility for a day care subsidy have been changed to allow more flexibility to those with non-standard workplace hours. Support is also available for special needs early childhood development.

2242. The *Maintenance Enforcement Act* establishes a government program for the collection and enforcement of child and spousal support whether such is payable pursuant to an order or a written agreement between the parties. Orders for such support are made under the *Children's Law Act* in the case of children and the *Family Law Act* in the case of spouses.

Special measures for protection and assistance of children

2243. The *Child and Family Services Act* (CFS) was enacted in October, replacing the *Child Welfare Act*. The *Adoption Act* came into force November 1998, while the *Aboriginal Custom Adoption Recognition Act* has been in force since September 1995.

2244. The CFS Act's preamble speaks to the premise of this article in that "the family is the basic unit of society and its well-being should be supported and promoted." The Act was designed to promote the best interests, protection and well-being of children.

2245. The CFS Act introduced progressive changes in the arena of child protection services. The Act recognizes that differing cultures and practices must be respected in determining what is in the best interest of the child. The Act provides a framework where communities have the opportunity to become involved in the care of their children through "plan of care committees." Children aged 12 and older must be given the opportunity to participate in decisions that will affect them under the CFS Act, which did not appear in the old legislation.

2246. The *Adoption Act* provides for the administration of private, stepparent and departmental adoptions. The provisions consider all relevant factors that determine the best interests of the child, including the importance of the child's cultural heritage. The Act also established an Adoption Registry and clearly identifies procedures for releasing information to those who wish to search for their relatives or reunite with natural parents. The *Aboriginal Custom Adoption Recognition Act* ensures simple procedures for recognizing Aboriginal customary laws respecting adoption.

2247. Training manuals for Child Protection Workers and Adoption Workers were produced to assist front line workers in understanding the new legislation.

Article 11: Right to an Adequate Standard of Living

Nutrition surveys

2248. Based on a 1998 Bureau of Statistics food Price Survey, food allowances were increased to reflect those statistics. There has not been a recent general nutrition survey in the Northwest Territories. Information on nutrition must therefore be derived indirectly from other studies, such as those conducted for contaminants work.

Nutrition information

2249. Information on nutrition continues to be disseminated through a wide range of materials. Promoting the use of traditional food was the focus of several initiatives during this reporting period. For example, a series of Traditional Food Fact sheets was developed from 1994 to 1996. The NWT Food Guide, first produced in 1988, was revised during the reporting period to update the serving sizes to be consistent with Canada's Food Guide to Healthy Living.

2250. In the 1994-1995 fiscal year, the GNWT began to help disseminating the principles of nutrition through the Canada Prenatal Nutrition Program, which provides nutritional support to women who are at risk of unhealthy birth outcomes due to the poor nutrition of the mother. Under this program, funding was provided to produce a Breast-feeding Guidebook in 1998.

2251. In 1999, the Health Promotion Strategy was initiated. All three components of the strategy: Healthy Pregnancies, Tobacco Cessation and Active Living have a nutrition segment.

2252. The name of the Act that speaks to inpatient/outpatient services was changed from the *Territorial Hospital Insurance Service Act* to the *Hospital Insurance and Health and Social Services Administration Act* (HIHSSA) in 1997.

2253. The HIHSSA Act states that "[i]f residents of the NWT require medically necessary services that are unavailable in the North, the Department of Health and Social Services provides medical travel benefits to those who do not have access to similar benefits from any other source in an effort to ensure that individuals do not incur a substantial financial burden."

2254. Several GNWT departments worked together with community members to produce a visionary document entitled: "Working Together for Community Wellness: A directions Document" (1995). This was the first time that inter-related social issues, including mental health, addictions, family violence, justice and housing were considered in a holistic manner.

2255. Improved mental health was identified as a priority, and in 1997 the Department of Health and Social Services began work on a territorial Mental Health Strategy. The initial research produced "Mental Health Services in the NWT: A Framework for Discussion." This document was used to consult with Health and Social Services Boards and Communities on mental health priorities. The vision of mental health soon broadened to build upon the 1995 Community Wellness Directions Document, in order to better support wellness as it is understood in NWT communities, and in 1999, the document became the draft "Strategy for Addictions, Mental Health and Family Violence."

2256. Suicide prevention was identified as an important component of mental health promotion, and the NWT took significant steps to address suicide during this period. The NWT Suicide Prevention (NTSPT) program is a three-week training program that was designed to increase the skills of northern communities in preventing and responding to suicidal crisis. The NTSPT curriculum was designed in 1995 and regional training offered across the NWT from 1996 to 1998. A total of 124 community caregivers were trained. In 1998, NTSPT "Train the Trainer" was offered, so a total of 19 community-based trainers were available to run the program in their own language and in local communities.

Prevention, treatment and control of epidemic, endemic, occupational and other diseases

2257. In 1998, the NWT Tuberculosis Manual was revised.

2258. In 1999, the Communicable Disease Control manual was developed to assist front line health care providers and standardize the approach for reporting communicable diseases for greater effectiveness.

2259. During the reporting period, the Government introduced a universal vaccination program against hepatitis B (including a catch-up component for adolescents), a second dose of Measles vaccination as well as annual influenza vaccinations. Also, a vaccination against pneumococcal infection was introduced for people over the age of 65 and for those with chronic medical conditions.

2260. Throughout the 1990s, much work related to environmental health was done relating to the development of baseline information on contaminants in country foods (with support from the federal Northern Contaminants program).

Article 13: Right to Education

Compulsory and free public education

2261. Education is compulsory for children between the ages of 6 and 16 as set out in the *Education Act*, S.N.W.T. 1996. Pursuant to this Act, primary and secondary education is free for all students whose parent or guardian resides in the NWT.

Educational initiatives

2262. Overall participation in higher levels of schooling has increased with the 1996 census showing that 63 percent of NWT residents over 15 have completed secondary schools. Grade extensions to allow students to access secondary schooling in their home communities and improved program supports have contributed to these increases. In 1999, 92 percent of students in the NWT had access to all grade levels in their home communities, compared to 73 percent in 1990.

2263. Participation by 15-19 year olds in secondary school rose from 69 percent in 1994 to 81 percent in 1999. Graduation rates for NWT students increased from 33 percent in 1994 to 41 percent in 1999.

2264. The 1996 Directive on Inclusive Schooling intends to ensure equal access for all students to educational programs offered in regular classroom settings.

2265. One of the initiatives to encourage students, particularly Aboriginal students, to stay in school, is the goal of the GNWT to train and employ educators that are representative of the cultures and the languages of the population. Teacher education programs have been developed to assist in this goal.

Language facilities

2266. The education programs in the Northwest Territories are based on the languages and cultures of the Northwest Territories. Divisional boards of education, in consultation with the Minister, can determine which of the Official Languages, as per the *Official Languages Act*, R.S.N.W.T. 1988, will be the language(s) of instruction in an education program. In addition, where English is the language of instruction, another Official Language must be taught and if the language of instruction is an Official Language other than English, English must be taught as a language.

Literacy programs

2267. NWT education levels have improved steadily and consistently in the past 10 years. The percentage of people with less than grade nine declined from 24 percent in 1986 to 15 percent in 1996. The 1996 census also showed that 33 percent have either trades or other non-university education, and 13 percent have a university degree. When the population is examined by ethnicity, 55 percent of Aboriginal adults have less than a high school diploma compared to 13 percent of non-Aboriginal adults.

2268. Work has begun on a new Literacy Strategy. This strategy will consist of three components: a strategy framework, an accountability framework and an action plan to address literacy for all ages and all segments of the NWT population. In its first year of implementation, specific allocations were made in the following areas:

- adult basic education through Aurora College, and the correctional centres;
- workplace education;
- literacy support for the disabled and for seniors;
- Aboriginal language literacy;
- a literacy outreach centre for learners with special needs;
- a system of virtual libraries;
- plain language services within the Government of the NWT;
- participation in the International Adult Literacy Survey; and
- literacy promotion.

Territorial budget

2269. The percentage of the GNWT spent on education has increased from approximately 14 percent to 20 percent. Since the Third Report, the Territory of Nunavut has been established. Therefore current reporting reflects statistics for post-division Northwest Territories. The primary focus of capital expenditures will be on upgrading and renovations of existing facilities.

Private schools

2270. Between 1996 and 1999, three private schools were incorporated at the elementary level in the Northwest Territories.

Article 15: Right to Participate in Cultural Life and Benefit from Scientific Progress and the Protection of Authors' Rights

Enhancement of culture

2271. One of the principles under the Establishment Policy of the Department of Education, Culture and Employment, approved in 1999, is that "[t]he languages and cultures of the NWT should be valued and serve as the foundation for the development and delivery of programs and services."

2272. The Department of Education, Culture and Employment provides contributions to cultural organizations and to NWT artists. That Department is developing a strategy and policy on the arts in the NWT.

Heritage Services

2273. The GNWT continues to operate the territorial museum, the Prince of Wales Northern Heritage Centre. It also provides community heritage groups with technical advice and support to help them collect, preserve and interpret cultural materials. It continues to improve community access to heritage information by increasing the use of technology to give communities access to heritage information.

Language services

2274. The Language Services Section provides French language translation services to the Department of Education, Culture and Employment and all GNWT departments, their boards and agencies. Aboriginal languages services are supported through funding external service contracts. Cabinet approved an Official Languages Policy and Guidelines in August 1997. This policy makes each Minister responsible for the implementation and delivery of services to the public in the official languages of the NWT, including health and education. The Official Languages Guidelines describe the levels of service for the *Official Languages Act*, R.S.N.W.T. 1988. Financial resources for the revitalization, promotion and enhancement of Aboriginal languages are provided to all official Aboriginal language communities.